

114TH CONGRESS
2D SESSION

S. 2848

AN ACT

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Water Resources Development Act of 2016”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
 5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary.
- Sec. 3. Limitations.

TITLE I—PROGRAM REFORMS

- Sec. 1001. Study of water resources development projects by non-Federal interests.
- Sec. 1002. Advanced funds for water resources development studies and projects.
- Sec. 1003. Authority to accept and use materials and services.
- Sec. 1004. Partnerships with non-Federal entities to protect the Federal investment.
- Sec. 1005. Non-Federal study and construction of projects.
- Sec. 1006. Munitions disposal.
- Sec. 1007. Challenge cost-sharing program for management of recreation facilities.
- Sec. 1008. Structures and facilities constructed by the Secretary.
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- Sec. 1010. Contributed funds.
- Sec. 1011. Application of certain benefits and costs included in final feasibility studies.
- Sec. 1012. Leveraging Federal infrastructure for increased water supply.
- Sec. 1013. New England District headquarters.
- Sec. 1014. Buffalo District headquarters.
- Sec. 1015. Completion of ecosystem restoration projects.
- Sec. 1016. Credit for donated goods.
- Sec. 1017. Structural health monitoring.
- Sec. 1018. Fish and wildlife mitigation.
- Sec. 1019. Non-Federal interests.
- Sec. 1020. Discrete segment.
- Sec. 1021. Funding to process permits.
- Sec. 1022. International Outreach Program.
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- Sec. 1024. Use of Youth Service and Conservation Corps.
- Sec. 1025. Debris removal.
- Sec. 1026. Aquaculture study.
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- Sec. 1028. Planning assistance to States.
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- Sec. 2001. Projects funded by the Inland Waterways Trust Fund.
- Sec. 2002. Operation and maintenance of fuel-taxed inland waterways.
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1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
 3 retary of the Army.

4 **SEC. 3. LIMITATIONS.**

5 Nothing in this Act—

6 (1) supersedes or modifies any written agree-
 7 ment between the Federal Government and a non-
 8 Federal interest that is in effect on the date of en-
 9 actment of this Act;

10 (2) supersedes or authorizes any amendment to
 11 a multistate water control plan, including the Mis-
 12 souri River Master Water Control Manual (as in ef-
 13 fect on the date of enactment of this Act);

1 (3) affects any water right in existence on the
2 date of enactment of this Act;

3 (4) preempts or affects any State water law or
4 interstate compact governing water; or

5 (5) affects any authority of a State, as in effect
6 on the date of enactment of this Act, to manage
7 water resources within the State.

8 **TITLE I—PROGRAM REFORMS**

9 **SEC. 1001. STUDY OF WATER RESOURCES DEVELOPMENT**

10 **PROJECTS BY NON-FEDERAL INTERESTS.**

11 Section 203 of the Water Resources Development Act
12 of 1986 (33 U.S.C. 2231) is amended by adding at the
13 end the following:

14 “(e) TECHNICAL ASSISTANCE.—On the request of a
15 non-Federal interest, the Secretary may provide technical
16 assistance relating to any aspect of the feasibility study
17 if the non-Federal interest contracts with the Secretary
18 to pay all costs of providing the technical assistance.”.

19 **SEC. 1002. ADVANCED FUNDS FOR WATER RESOURCES DE-**

20 **VELOPMENT STUDIES AND PROJECTS.**

21 The Act of October 15, 1940 (33 U.S.C. 701h–1),
22 is amended—

23 (1) in the first sentence—

24 (A) by striking “Whenever any” and in-
25 serting the following:

1 “(a) IN GENERAL.—Whenever any”;

2 (B) by striking “a flood-control project
3 duly adopted and authorized by law” and in-
4 serting “an authorized water resources develop-
5 ment study or project,”; and

6 (C) by striking “such work” and inserting
7 “such study or project”;

8 (2) in the second sentence—

9 (A) by striking “The Secretary of the
10 Army” and inserting the following:

11 “(b) REPAYMENT.—The Secretary of the Army”; and

12 (B) by striking “from appropriations which
13 may be provided by Congress for flood-control
14 work” and inserting “if specific appropriations
15 are provided by Congress for such purpose”;
16 and

17 (3) by adding at the end the following:

18 “(c) DEFINITION OF STATE.—In this section, the
19 term ‘State’ means—

20 “(1) a State;

21 “(2) the District of Columbia;

22 “(3) the Commonwealth of Puerto Rico;

23 “(4) any other territory or possession of the
24 United States; and

1 “(5) a federally recognized Indian tribe or a
 2 Native village, Regional Corporation, or Village Cor-
 3 poration (as those terms are defined in section 3 of
 4 the Alaska Native Claims Settlement Act (43 U.S.C.
 5 1602)).”.

6 **SEC. 1003. AUTHORITY TO ACCEPT AND USE MATERIALS**
 7 **AND SERVICES.**

8 Section 1024 of the Water Resources Reform and De-
 9 velopment Act of 2014 (33 U.S.C. 2325a) is amended—
 10 (1) by striking subsection (a) and inserting the
 11 following:

12 “(a) IN GENERAL.—Subject to subsection (b), the
 13 Secretary is authorized to accept and use materials, serv-
 14 ices, or funds contributed by a non-Federal public entity,
 15 a nonprofit entity, or a private entity to repair, restore,
 16 replace, or maintain a water resources project in any case
 17 in which the District Commander determines that—

18 “(1) there is a risk of adverse impacts to the
 19 functioning of the project for the authorized pur-
 20 poses of the project; and

21 “(2) acceptance of the materials and services or
 22 funds is in the public interest.”; and

23 (2) in subsection (c), in the matter preceding
 24 paragraph (1)—

1 (A) by striking “Not later than 60 days
 2 after initiating an activity under this section,”
 3 and inserting “Not later than February 1 of
 4 each year after the first fiscal year in which
 5 materials, services, or funds are accepted under
 6 this section,”; and

7 (B) by striking “a report” and inserting
 8 “an annual report”.

9 **SEC. 1004. PARTNERSHIPS WITH NON-FEDERAL ENTITIES**
 10 **TO PROTECT THE FEDERAL INVESTMENT.**

11 (a) IN GENERAL.—Subject to subsection (c), the Sec-
 12 retary is authorized to partner with a non-Federal interest
 13 for the maintenance of a water resources project to ensure
 14 that the project will continue to function for the author-
 15 ized purposes of the project.

16 (b) FORM OF PARTNERSHIP.—Under a partnership
 17 referred to in subsection (a), the Secretary is authorized
 18 to accept and use funds, materials, and services contrib-
 19 uted by the non-Federal interest.

20 (c) NO CREDIT OR REIMBURSEMENT.—Any entity
 21 that contributes materials, services, or funds under this
 22 section shall not be eligible for credit, reimbursement, or
 23 repayment for the value of those materials, services, or
 24 funds.

1 **SEC. 1005. NON-FEDERAL STUDY AND CONSTRUCTION OF**
 2 **PROJECTS.**

3 (a) IN GENERAL.—The Secretary may accept and ex-
 4 pend funds provided by non-Federal interests to undertake
 5 reviews, inspections, monitoring, and other Federal activi-
 6 ties related to non-Federal interests carrying out the
 7 study, design, or construction of water resources develop-
 8 ment projects under section 203 or 204 of the Water Re-
 9 sources Development Act of 1986 (33 U.S.C. 2231, 2232)
 10 or any other Federal law.

11 (b) INCLUSION IN COSTS.—In determining credit or
 12 reimbursement, the Secretary may include the amount of
 13 funds provided by a non-Federal interest under this sec-
 14 tion as a cost of the study, design, or construction.

15 **SEC. 1006. MUNITIONS DISPOSAL.**

16 Section 1027 of the Water Resources Reform and De-
 17 velopment Act of 2014 (33 U.S.C. 426e–2) is amended—

18 (1) in subsection (a), in the matter preceding
 19 paragraph (1), by inserting “, at full Federal ex-
 20 pense,” after “The Secretary may”; and

21 (2) in subsection (b), by striking “funded” and
 22 inserting “reimbursed”.

23 **SEC. 1007. CHALLENGE COST-SHARING PROGRAM FOR**
 24 **MANAGEMENT OF RECREATION FACILITIES.**

25 Section 225 of the Water Resources Development Act
 26 of 1992 (33 U.S.C. 2328) is amended—

1 (1) by redesignating subsection (c) as sub-
2 section (d); and

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) USER FEES.—

6 “(1) COLLECTION OF FEES.—

7 “(A) IN GENERAL.—The Secretary may
8 allow a non-Federal public or private entity that
9 has entered into an agreement pursuant to sub-
10 section (b) to collect user fees for the use of de-
11 veloped recreation sites and facilities, whether
12 developed or constructed by that entity or the
13 Department of the Army.

14 “(B) USE OF VISITOR RESERVATION SERV-
15 ICES.—A public or private entity described in
16 subparagraph (A) may use to manage fee col-
17 lections and reservations under this section any
18 visitor reservation service that the Secretary
19 has provided for by contract or interagency
20 agreement, subject to such terms and condi-
21 tions as the Secretary determines to be appro-
22 priate.

23 “(2) USE OF FEES.—A non-Federal public or
24 private entity that collects user fees under para-
25 graph (1) may—

1 “(A) retain up to 100 percent of the fees
2 collected, as determined by the Secretary; and

3 “(B) notwithstanding section 210(b)(4) of
4 the Flood Control Act of 1968 (16 U.S.C.
5 460d-3(b)(4)), use that amount for operation,
6 maintenance, and management at the recre-
7 ation site at which the fee is collected.

8 “(3) TERMS AND CONDITIONS.—The authority
9 of a non-Federal public or private entity under this
10 subsection shall be subject to such terms and condi-
11 tions as the Secretary determines necessary to pro-
12 tect the interests of the United States.”.

13 **SEC. 1008. STRUCTURES AND FACILITIES CONSTRUCTED**
14 **BY THE SECRETARY.**

15 Section 14 of the Act of March 3, 1899 (33 U.S.C.
16 408) (commonly known as the “Rivers and Harbors Act
17 of 1899”), is amended—

18 (1) by striking “That it shall not be lawful”
19 and inserting the following:

20 “(a) PROHIBITIONS AND PERMISSIONS.—It shall not
21 be lawful”; and

22 (2) by adding at the end the following:

23 “(b) CONCURRENT REVIEW.—

24 “(1) NEPA REVIEW.—

1 “(A) IN GENERAL.—In any case in which
2 an activity subject to this section requires a re-
3 view under the National Environmental Policy
4 Act of 1969 (42 U.S.C. 4321 et seq.), review
5 and approval under this section shall, to the
6 maximum extent practicable, occur concurrently
7 with any review and decisions made under that
8 Act.

9 “(B) CORPS OF ENGINEERS AS A COOPER-
10 ATING AGENCY.—If the Corps of Engineers is
11 not the lead Federal agency for an environ-
12 mental review described in subparagraph (A),
13 the Chief of Engineers shall, to the maximum
14 extent practicable—

15 “(i) participate in the review as a co-
16 operating agency (unless the Chief of En-
17 gineers does not intend to submit com-
18 ments on the project); and

19 “(ii) adopt and use any environmental
20 document prepared under the National En-
21 vironmental Policy Act of 1969 (42 U.S.C.
22 4321 et seq.) by the lead agency to the
23 same extent that a Federal agency could
24 adopt or use a document prepared by an-
25 other Federal agency under—

1 “(I) the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4321
3 et seq.); and

4 “(II) parts 1500 through 1508 of
5 title 40, Code of Federal Regulations
6 (or successor regulations).

7 “(2) REVIEWS BY SECRETARY.—In any case in
8 which the Secretary of the Army is required to ap-
9 prove an action under this section and under an-
10 other authority, including sections 9 and 10 of this
11 Act, section 404 of the Federal Water Pollution
12 Control Act (33 U.S.C. 1344), and section 103 of
13 the Marine Protection, Research, and Sanctuaries
14 Act of 1972 (33 U.S.C. 1413), the Secretary shall—

15 “(A) coordinate the reviews and, to the
16 maximum extent practicable, carry out the re-
17 views concurrently; and

18 “(B) adopt and use any document pre-
19 pared by the Corps of Engineers for the pur-
20 pose of complying with the same law and that
21 addresses the same types of impacts in the
22 same geographic area if the document, as deter-
23 mined by the Secretary, is current and applica-
24 ble.

1 “(3) CONTRIBUTED FUNDS.—The Secretary of
2 the Army may accept and expend funds received
3 from non-Federal public or private entities to evalu-
4 ate under this section an alteration or permanent oc-
5 cupation or use of a work built by the United
6 States.”.

7 **SEC. 1009. PROJECT COMPLETION.**

8 For any project authorized under section 219 of the
9 Water Resources Development Act of 1992 (Public Law
10 102–580; 106 Stat. 4835), the authorization of appropria-
11 tions is increased by the amount, including in increments,
12 necessary to allow completion of the project if—

13 (1) as of the date of enactment of this Act, the
14 project has received more than \$4,000,000 in Fed-
15 eral appropriations and those appropriations equal
16 an amount that is greater than 80 percent of the au-
17 thorized amount;

18 (2) significant progress has been demonstrated
19 toward completion of the project or segments of the
20 project but the project is not complete as of the date
21 of enactment of this Act; and

22 (3) the benefits of the Federal investment will
23 not be realized without an increase in the authoriza-
24 tion of appropriations to allow completion of the
25 project.

1 **SEC. 1010. CONTRIBUTED FUNDS.**

2 (a) CONTRIBUTED FUNDS.—Section 5 of the Act of
3 June 22, 1936 (33 U.S.C. 701h) (commonly known as the
4 “Flood Control Act of 1936”), is amended—

5 (1) by striking “funds appropriated by the
6 United States for”; and

7 (2) in the first proviso, by inserting after “au-
8 thorized purposes of the project:” the following:
9 “*Provided further*, That the Secretary may receive
10 and expend funds from a State or a political subdivi-
11 sion of a State and other non-Federal interests to
12 formulate, review, or revise, consistent with author-
13 ized project purposes, operational documents for any
14 reservoir owned and operated by the Secretary
15 (other than reservoirs in the Upper Missouri River,
16 the Apalachicola-Chattahoochee-Flint River system,
17 the Alabama-Coosa-Tallapoosa River system, and
18 the Stones River):”

19 (b) REPORT.—Section 1015 of the Water Resources
20 Reform and Development Act of 2014 is amended by
21 striking subsection (b) (33 U.S.C. 701h note; Public Law
22 113–121) and inserting the following:

23 “(b) REPORT.—Not later than February 1 of each
24 year, the Secretary shall submit to the Committees on En-
25 vironment and Public Works and Appropriations of the
26 Senate and the Committees on Transportation and Infra-

1 structure and Appropriations of the House of Representa-
 2 tives a report that—

3 “(1) describes the number of agreements exe-
 4 cuted in the previous fiscal year for the acceptance
 5 of contributed funds under section 5 of the Act of
 6 June 22, 1936 (33 U.S.C. 701h) (commonly known
 7 as the ‘Flood Control Act of 1936’); and

8 “(2) includes information on the projects and
 9 amounts of contributed funds referred to in para-
 10 graph (1).”.

11 **SEC. 1011. APPLICATION OF CERTAIN BENEFITS AND**
 12 **COSTS INCLUDED IN FINAL FEASIBILITY**
 13 **STUDIES.**

14 (a) IN GENERAL.—For a navigation project author-
 15 ized after November 7, 2007, involving offshore oil and
 16 gas fabrication ports, the recommended plan by the Chief
 17 of Engineers shall be the plan that uses the value of future
 18 energy exploration and production fabrication contracts
 19 and the transportation savings that would result from a
 20 larger navigation channel in accordance with section 6009
 21 of the Emergency Supplemental Appropriations Act for
 22 Defense, the Global War on Terror, and Tsunami Relief,
 23 2005 (Public Law 109–13; 119 Stat. 282).

24 (b) SPECIAL RULE.—In addition to projects de-
 25 scribed in subsection (a), this section shall apply to—

1 (1) a project that has undergone an economic
2 benefits update; and

3 (2) at the request of the non-Federal sponsor,
4 any ongoing feasibility study for which the benefits
5 under section 6009 of the Emergency Supplemental
6 Appropriations Act for Defense, the Global War on
7 Terror, and Tsunami Relief, 2005 (Public Law 109–
8 13; 119 Stat. 282) may apply.

9 **SEC. 1012. LEVERAGING FEDERAL INFRASTRUCTURE FOR**
10 **INCREASED WATER SUPPLY.**

11 (a) IN GENERAL.—At the request of a non-Federal
12 interest, the Secretary may review proposals to increase
13 the quantity of available supplies of water at Federal
14 water resources projects through—

15 (1) modification of a water resources project;
16 (2) modification of how a project is managed;
17 or
18 (3) accessing water released from a project.

19 (b) PROPOSALS INCLUDED.—A proposal under sub-
20 section (a) may include—

21 (1) increasing the storage capacity of the
22 project;
23 (2) diversion of water released or withdrawn
24 from the project—
25 (A) to recharge groundwater;

1 (B) to aquifer storage and recovery; or

2 (C) to any other storage facility;

3 (3) construction of facilities for delivery of
4 water from pumping stations constructed by the
5 Secretary;

6 (4) construction of facilities to access water;
7 and

8 (5) a combination of the activities described in
9 paragraphs (1) through (4).

10 (c) EXCLUSIONS.—This section shall not apply to a
11 proposal that—

12 (1) reallocates existing water supply or hydro-
13 power storage; or

14 (2) reduces water available for any authorized
15 project purpose.

16 (d) OTHER FEDERAL PROJECTS.—In any case in
17 which a proposal relates to a Federal project that is not
18 owned by the Secretary, this section shall apply only to
19 activities under the authority of the Secretary.

20 (e) REVIEW PROCESS.—

21 (1) NOTICE.—On receipt of a proposal sub-
22 mitted under subsection (a), the Secretary shall pro-
23 vide a copy of the proposal to each entity described
24 in paragraph (2) and if applicable, the Federal agen-
25 cy that owns the project, in the case of a project

1 owned by an agency other than the Department of
2 the Army.

3 (2) PUBLIC PARTICIPATION.—In reviewing pro-
4 posals submitted under subsection (a), and prior to
5 making any decisions regarding a proposal, the Sec-
6 retary shall comply with all applicable public partici-
7 pation requirements under law, including consulta-
8 tion with—

9 (A) affected States;

10 (B) Power Marketing Administrations, in
11 the case of reservoirs with Federal hydropower
12 projects;

13 (C) entities responsible for operation and
14 maintenance costs;

15 (D) any entity that has a contractual right
16 from the Federal Government or a State to
17 withdraw water from, or use storage at, the
18 project;

19 (E) entities that the State determines hold
20 rights under State law to the use of water from
21 the project; and

22 (F) units of local government with flood
23 risk reduction responsibilities downstream of
24 the project.

1 (f) AUTHORITIES.—A proposal submitted to the Sec-
2 retary under subsection (a) may be reviewed and ap-
3 proved, if applicable and appropriate, under—

4 (1) the specific authorization for the water re-
5 sources project;

6 (2) section 216 of the Flood Control Act of
7 1970 (33 U.S.C. 549a);

8 (3) section 301 of the Water Supply Act of
9 1958 (43 U.S.C. 390b); and

10 (4) section 14 of the Act of March 3, 1899
11 (commonly known as the “Rivers and Harbors Act
12 of 1899”) (33 U.S.C. 408).

13 (g) LIMITATIONS.—The Secretary shall not approve
14 a proposal submitted under subsection (a) that—

15 (1) is not supported by the Federal agency that
16 owns the project if the owner is not the Secretary;

17 (2) interferes with an authorized purpose of the
18 project;

19 (3) adversely impacts contractual rights to
20 water or storage at the reservoir;

21 (4) adversely impacts legal rights to water
22 under State law, as determined by an affected State;

23 (5) increases costs for any entity other than the
24 entity that submitted the proposal; or

1 (6) if a project is subject to section 301(e) of
2 the Water Supply Act of 1958 (43 U.S.C. 390b(e)),
3 makes modifications to the project that do not meet
4 the requirements of that section unless the modifica-
5 tion is submitted to and authorized by Congress.

6 (h) COST SHARE.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), 100 percent of the cost of developing, re-
9 viewing, and implementing a proposal submitted
10 under subsection (a) shall be provided by an entity
11 other than the Federal Government.

12 (2) PLANNING ASSISTANCE TO STATES.—In the
13 case of a proposal from an entity authorized to re-
14 ceive assistance under section 22 of the Water Re-
15 sources Development Act of 1974 (42 U.S.C.
16 1962d–16), the Secretary may use funds available
17 under that section to pay 50 percent of the cost of
18 a review of a proposal submitted under subsection
19 (a).

20 (3) OPERATION AND MAINTENANCE COSTS.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraphs (B) and (C), the operation and
23 maintenance costs for the non-Federal sponsor
24 of a proposal submitted under subsection (a)
25 shall be 100 percent of the separable operation

1 and maintenance costs associated with the costs
2 of implementing the proposal.

3 (B) CERTAIN WATER SUPPLY STORAGE
4 PROJECTS.—For a proposal submitted under
5 subsection (a) for constructing additional water
6 supply storage at a reservoir for use under a
7 water supply storage agreement, in addition to
8 the costs under subparagraph (A), the non-Fed-
9 eral costs shall include the proportional share of
10 any joint-use costs for operation, maintenance,
11 repair, replacement, or rehabilitation of the res-
12 ervoir project determined in accordance with
13 section 301 of the Water Supply Act of 1958
14 (43 U.S.C. 390b).

15 (C) VOLUNTARY CONTRIBUTIONS.—An en-
16 tity other than an entity described in subpara-
17 graph (A) may voluntarily contribute to the
18 costs of implementing a proposal submitted
19 under subsection (a).

20 (i) CONTRIBUTED FUNDS.—The Secretary may re-
21 ceive and expend funds contributed by a non-Federal in-
22 terest for the review and approval of a proposal submitted
23 under subsection (a).

24 (j) ASSISTANCE.—On request by a non-Federal inter-
25 est, the Secretary may provide technical assistance in the

1 development or implementation of a proposal under sub-
 2 section (a), including assistance in obtaining necessary
 3 permits for construction, if the non-Federal interest con-
 4 tracts with the Secretary to pay all costs of providing the
 5 technical assistance.

6 (k) EXCLUSION.—This section shall not apply to res-
 7 ervoirs in—

8 (1) the Upper Missouri River;

9 (2) the Apalachicola-Chattahoochee-Flint river
 10 system;

11 (3) the Alabama-Coosa-Tallapoosa river system;

12 and

13 (4) the Stones River.

14 (l) EFFECT OF SECTION.—Nothing in this section af-
 15 fects or modifies any authority of the Secretary to review
 16 or modify reservoirs.

17 **SEC. 1013. NEW ENGLAND DISTRICT HEADQUARTERS.**

18 (a) IN GENERAL.—Subject to subsection (b), using
 19 amounts available in the revolving fund established by sec-
 20 tion 101 of the Civil Functions Appropriations Act, 1954
 21 (33 U.S.C. 576) and not otherwise obligated, the Sec-
 22 retary may—

23 (1) design, renovate, and construct additions to
 24 2 buildings located on Hanscom Air Force Base in
 25 Bedford, Massachusetts for the headquarters of the

1 New England District of the Army Corps of Engi-
2 neers; and

3 (2) carry out such construction and infrastruc-
4 ture improvements as are required to support the
5 headquarters of the New England District of the
6 Army Corps of Engineers, including any necessary
7 demolition of the existing infrastructure.

8 (b) REQUIREMENT.—In carrying out subsection (a),
9 the Secretary shall ensure that the revolving fund estab-
10 lished by section 101 of the Civil Functions Appropria-
11 tions Act, 1954 (33 U.S.C. 576) is appropriately reim-
12 bursed from funds appropriated for programs that receive
13 a benefit under this section.

14 **SEC. 1014. BUFFALO DISTRICT HEADQUARTERS.**

15 (a) IN GENERAL.—Subject to subsection (b), using
16 amounts available in the revolving fund established by sec-
17 tion 101 of the Civil Functions Appropriations Act, 1954
18 (33 U.S.C. 576) and not otherwise obligated, the Sec-
19 retary may—

20 (1) design and construct a new building in Buf-
21 falo, New York, for the headquarters of the Buffalo
22 District of the Army Corps of Engineers; and

23 (2) carry out such construction and infrastruc-
24 ture improvements as are required to support the
25 headquarters and related installations and facilities

1 of the Buffalo District of the Army Corps of Engi-
 2 neers, including any necessary demolition or renova-
 3 tion of the existing infrastructure.

4 (b) REQUIREMENT.—In carrying out subsection (a),
 5 the Secretary shall ensure that the revolving fund estab-
 6 lished by section 101 of the Civil Functions Appropria-
 7 tions Act, 1954 (33 U.S.C. 576) is appropriately reim-
 8 bursed from funds appropriated for programs that receive
 9 a benefit under this section.

10 **SEC. 1015. COMPLETION OF ECOSYSTEM RESTORATION**
 11 **PROJECTS.**

12 Section 2039 of the Water Resources Development
 13 Act of 2007 (33 U.S.C. 2330a) is amended by adding at
 14 the end the following:

15 “(d) INCLUSIONS.—A monitoring plan under sub-
 16 section (b) shall include a description of—

17 “(1) the types and number of restoration activi-
 18 ties to be conducted;

19 “(2) the physical action to be undertaken to
 20 achieve the restoration objectives of the project;

21 “(3) the functions and values that will result
 22 from the restoration plan; and

23 “(4) a contingency plan for taking corrective
 24 actions in cases in which monitoring demonstrates
 25 that restoration measures are not achieving ecologi-

1 cal success in accordance with criteria described in
 2 the monitoring plan.

3 “(e) CONCLUSION OF OPERATION AND MAINTENANCE RESPONSIBILITY.—The responsibility of the non-
 4 Federal sponsor for operation, maintenance, repair, re-
 5 placement, and rehabilitation of the ecosystem restoration
 6 project shall cease 10 years after the date on which the
 7 Secretary makes a determination of success under sub-
 8 section (b)(2).”.

10 **SEC. 1016. CREDIT FOR DONATED GOODS.**

11 Section 221(a)(4)(D)(iv) of the Flood Control Act of
 12 1970 (42 U.S.C. 1962d–5b(a)(4)(D)(iv)) is amended—

- 13 (1) by inserting “regardless of the cost incurred
 14 by the non-Federal interest,” before “shall not”; and
 15 (2) by striking “costs” and inserting “value”.

16 **SEC. 1017. STRUCTURAL HEALTH MONITORING.**

17 (a) IN GENERAL.—The Secretary shall design and
 18 develop a structural health monitoring program to assess
 19 and improve the condition of infrastructure constructed
 20 and maintained by the Corps of Engineers, including re-
 21 search, design, and development of systems and frame-
 22 works for—

- 23 (1) response to flood and earthquake events;
 24 (2) pre-disaster mitigation measures;

1 (3) lengthening the useful life of the infrastruc-
2 ture; and

3 (4) identifying risks due to sea level rise.

4 (b) CONSULTATION AND CONSIDERATION.—In devel-
5 oping the program under subsection (a), the Secretary
6 shall—

7 (1) consult with academic and other experts;
8 and

9 (2) consider models for maintenance and repair
10 information, the development of degradation models
11 for real-time measurements and environmental in-
12 puts, and research on qualitative inspection data as
13 surrogate sensors.

14 **SEC. 1018. FISH AND WILDLIFE MITIGATION.**

15 Section 906 of the Water Resources Development Act
16 of 1986 (33 U.S.C. 2283) is amended—

17 (1) in subsection (h)—

18 (A) in paragraph (4)—

19 (i) by redesignating subparagraphs
20 (D) and (E) as subparagraphs (E) and
21 (F), respectively; and

22 (ii) by inserting after subparagraph
23 (C) the following:

24 “(D) include measures to protect or re-
25 store habitat connectivity”;

1 (B) in paragraph (6)(C), by striking “im-
2 pacts” and inserting “impacts, including im-
3 pacts to habitat connectivity”; and

4 (C) by striking paragraph (11) and insert-
5 ing the following:

6 “(11) EFFECT.—Nothing in this subsection—

7 “(A) requires the Secretary to undertake
8 additional mitigation for existing projects for
9 which mitigation has already been initiated, in-
10 cluding the addition of fish passage to an exist-
11 ing water resources development project; or

12 “(B) affects the mitigation responsibilities
13 of the Secretary under any other provision of
14 law.”; and

15 (2) by adding at the end the following:

16 “(j) USE OF FUNDS.—The Secretary may use funds
17 made available for preconstruction engineering and design
18 prior to authorization of project construction to satisfy
19 mitigation requirements through third-party arrange-
20 ments or to acquire interests in land necessary for meeting
21 mitigation requirements under this section.

22 “(k) MEASURES.—The Secretary shall consult with
23 interested members of the public, the Director of the
24 United States Fish and Wildlife Service, the Assistant Ad-
25 ministrator for Fisheries of the National Oceanic and At-

1 mospheric Administration, States, including State fish and
 2 game departments, and interested local governments to
 3 identify standard measures under subsection (h)(6)(C)
 4 that reflect the best available scientific information for
 5 evaluating habitat connectivity.”.

6 **SEC. 1019. NON-FEDERAL INTERESTS.**

7 Section 221(b)(1) of the Flood Control Act of 1970
 8 (42 U.S.C. 1962d–5b(b)(1)) is amended by inserting “or
 9 a Native village, Regional Corporation, or Village Corpora-
 10 tion (as those terms are defined in section 3 of the Alaska
 11 Native Claims Settlement Act (43 U.S.C. 1602))” after
 12 “Indian tribe”.

13 **SEC. 1020. DISCRETE SEGMENT.**

14 Section 204 of the Water Resources Development Act
 15 of 1986 (33 U.S.C. 2232) is amended—

16 (1) by striking “project or separable element”
 17 each place it appears and inserting “project, sepa-
 18 rable element, or discrete segment”;

19 (2) by striking “project, or separable element
 20 thereof,” each place it appears and inserting
 21 “project, separable element, or discrete segment of a
 22 project”;

23 (3) in subsection (a)—

1 (A) by redesignating paragraphs (1)
 2 through (3) as subparagraphs (A) through (C),
 3 respectively, and indenting appropriately; and

4 (B) by striking the subsection designation
 5 and all that follows through “In this section,
 6 the” and inserting the following:

7 “(a) DEFINITIONS.—In this section:

8 “(1) DISCRETE SEGMENT.—The term ‘discrete
 9 segment’, with respect to a project, means a physical
 10 portion of the project, as described in design docu-
 11 ments, that is environmentally acceptable, is com-
 12 plete, will not create a hazard, and functions inde-
 13 pendently so that the non-Federal sponsor can oper-
 14 ate and maintain the discrete segment in advance of
 15 completion of the total project or separable element
 16 of the project.

17 “(2) WATER RESOURCES DEVELOPMENT
 18 PROJECT.—The”;

19 (4) in subsection (b)(1), in the matter pre-
 20 ceding subparagraph (A), by striking “project, or
 21 separate element thereof” and inserting “project,
 22 separable element, or discrete segment of a project”;
 23 and

24 (5) in subsection (d)—

1 (A) in paragraph (3)(B), in the matter
 2 preceding clause (i), by striking “project” and
 3 inserting “project, separable element, or dis-
 4 crete segment”;

5 (B) in paragraph (4), in the matter pre-
 6 ceding subparagraph (A), by striking “project,
 7 or a separable element of a water resources de-
 8 velopment project,” and inserting “project, sep-
 9 arable element, or discrete segment of a
 10 project”; and

11 (C) by adding at the end the following:

12 “(5) REPAYMENT OF REIMBURSEMENT.—If the
 13 non-Federal interest receives reimbursement for a
 14 discrete segment of a project and fails to complete
 15 the entire project or separable element of the
 16 project, the non-Federal interest shall repay to the
 17 Secretary the amount of the reimbursement, plus in-
 18 terest.”.

19 **SEC. 1021. FUNDING TO PROCESS PERMITS.**

20 Section 214(a) of the Water Resources Development
 21 Act of 2000 (33 U.S.C. 2352(a)) is amended—

22 (1) in paragraph (1), by adding at the end the
 23 following:

1 “(C) RAIL CARRIER.—The term ‘rail car-
 2 rier’ has the meaning given the term in section
 3 10102 of title 49, United States Code.”;

4 (2) in paragraph (2), by striking “or natural
 5 gas company” and inserting “, natural gas company,
 6 or rail carrier”;

7 (3) in paragraph (3), by striking “or natural
 8 gas company” and inserting “, natural gas company,
 9 or rail carrier”; and

10 (4) in paragraph (5), by striking “and natural
 11 gas companies” and inserting “, natural gas compa-
 12 nies, and rail carriers, including an evaluation of the
 13 compliance with all requirements of this section and,
 14 with respect to a permit for those entities, the re-
 15 quirements of all applicable Federal laws”.

16 **SEC. 1022. INTERNATIONAL OUTREACH PROGRAM.**

17 Section 401 of the Water Resources Development Act
 18 of 1992 (33 U.S.C. 2329) is amended by striking sub-
 19 section (a) and inserting the following:

20 “(a) AUTHORIZATION.—

21 “(1) IN GENERAL.—The Secretary may engage
 22 in activities to inform the United States of techno-
 23 logical innovations abroad that could significantly
 24 improve water resources development in the United
 25 States.

1 “(2) INCLUSIONS.—Activities under paragraph
2 (1) may include—

3 “(A) development, monitoring, assessment,
4 and dissemination of information about foreign
5 water resources projects that could significantly
6 improve water resources development in the
7 United States;

8 “(B) research, development, training, and
9 other forms of technology transfer and ex-
10 change; and

11 “(C) offering technical services that cannot
12 be readily obtained in the private sector to be
13 incorporated into water resources projects if the
14 costs for assistance will be recovered under the
15 terms of each project.”.

16 **SEC. 1023. WETLANDS MITIGATION.**

17 Section 2036(c) of the Water Resources Development
18 Act of 2007 (33 U.S.C. 2317b) is amended by adding at
19 the end the following:

20 “(4) MITIGATION BANKS.—

21 “(A) IN GENERAL.—Not later than 180
22 days after the date of enactment of this para-
23 graph, the Secretary shall issue implementation
24 guidance that provides for the consideration in
25 water resources development feasibility studies

1 of the entire amount of potential in-kind credits
2 available at mitigation banks and in-lieu fee
3 programs with an approved service area that in-
4 cludes the projected impacts of the water re-
5 source development project.

6 “(B) REQUIREMENTS.—All potential miti-
7 gation bank and in-lieu fee credits that meet
8 the criteria under subparagraph (A) shall be
9 considered a reasonable alternative for planning
10 purposes if the applicable mitigation bank—

11 “(i) has an approved mitigation bank-
12 ing instrument; and

13 “(ii) has completed a functional anal-
14 ysis of the potential credits using the ap-
15 proved Corps of Engineers certified habitat
16 assessment model specific to the region.

17 “(C) EFFECT.—Nothing in this paragraph
18 modifies or alters any requirement for a water
19 resources project to comply with applicable laws
20 or regulations, including section 906 of the
21 Water Resources Development Act of 1986 (33
22 U.S.C. 2283).”.

1 **SEC. 1024. USE OF YOUTH SERVICE AND CONSERVATION**
 2 **CORPS.**

3 Section 213 of the Water Resources Development Act
 4 of 2000 (33 U.S.C. 2339) is amended by adding at the
 5 end the following:

6 “(d) YOUTH SERVICE AND CONSERVATION CORPS.—
 7 The Secretary shall encourage each district of the Corps
 8 of Engineers to enter into cooperative agreements author-
 9 ized under this section with qualified youth service and
 10 conservation corps to perform appropriate projects.”.

11 **SEC. 1025. DEBRIS REMOVAL.**

12 Section 3 of the Act entitled “An Act authorizing the
 13 construction, repair, and preservation of certain public
 14 works on rivers and harbors, and for other purposes”, ap-
 15 proved March 2, 1945 (33 U.S.C. 603a), is amended—

16 (1) by striking “\$1,000,000” and inserting
 17 “\$5,000,000”;

18 (2) by striking “accumulated snags and other
 19 debris” and inserting “accumulated snags, obstruc-
 20 tions, and other debris located in or adjacent to a
 21 Federal channel”; and

22 (3) by striking “or flood control” and inserting
 23 “, flood control, or recreation”.

1 **SEC. 1026. AQUACULTURE STUDY.**

2 (a) IN GENERAL.—The Comptroller General shall
3 carry out an assessment of the shellfish aquaculture indus-
4 try, including—

5 (1) an examination of Federal and State laws
6 (including regulations) in each relevant district of
7 the Corps of Engineers;

8 (2) the number of shellfish aquaculture leases,
9 verifications, or permits in place in each relevant
10 district of the Corps of Engineers;

11 (3) the period of time required to secure a
12 shellfish aquaculture lease, verification, or permit
13 from each relevant jurisdiction; and

14 (4) the experience of the private sector in ap-
15 plying for shellfish aquaculture permits from dif-
16 ferent jurisdictions of the Corps of Engineers and
17 different States.

18 (b) STUDY AREA.—The study area shall comprise, to
19 the maximum extent practicable, the following applicable
20 locations:

21 (1) The Chesapeake Bay.

22 (2) The Gulf Coast States.

23 (3) The State of California.

24 (4) The State of Washington.

25 (c) FINDINGS.—Not later than 225 days after the
26 date of enactment of this Act, the Comptroller General

1 shall submit to the Committees on Environment and Pub-
 2 lic Works and on Energy and Natural Resources of the
 3 Senate and the Committees on Transportation and Infra-
 4 structure and on Natural Resources of the House of Rep-
 5 resentatives a report containing the findings of the assess-
 6 ment conducted under subsection (a).

7 **SEC. 1027. LEVEE VEGETATION.**

8 (a) IN GENERAL.—Section 3013(g)(1) of the Water
 9 Resources Reform and Development Act of 2014 (33
 10 U.S.C. 701n note; Public Law 113–121) is amended—

11 (1) by inserting “remove existing vegetation or”
 12 after “the Secretary shall not”; and

13 (2) by striking “as a condition or requirement
 14 for any approval or funding of a project, or any
 15 other action”.

16 (b) REPORT.—Not later than 30 days after the enact-
 17 ment of this Act, the Secretary shall submit to the Com-
 18 mittee on Environment and Public Works of the Senate
 19 and the Committee on Transportation and Infrastructure
 20 of the House of Representatives a report that—

21 (1) describes the reasons for the failure of the
 22 Secretary to meet the deadlines in subsection (f) of
 23 section 3013 of the Water Resources Reform and
 24 Development Act of 2014 (33 U.S.C. 701n note;
 25 Public Law 113–121); and

1 (2) provides a plan for completion of the activi-
 2 ties required in that subsection (f).

3 **SEC. 1028. PLANNING ASSISTANCE TO STATES.**

4 Section 22(a)(1) of the Water Resources Develop-
 5 ment Act of 1974 (42 U.S.C. 1962d–16(a)(1)) is amend-
 6 ed—

7 (1) by inserting “, a group of States, or a re-
 8 gional or national consortia of States” after “work-
 9 ing with a State”; and

10 (2) by striking “located within the boundaries
 11 of such State”.

12 **SEC. 1029. PRIORITIZATION.**

13 Section 1011 of the Water Resources Reform and De-
 14 velopment Act of 2014 (33 U.S.C. 2341a) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1)(C), by inserting “re-
 17 store or” before “prevent the loss”; and

18 (B) in paragraph (2)—

19 (i) in the matter preceding subpara-
 20 graph (A), by striking “the date of enact-
 21 ment of this Act” and inserting “the date
 22 of enactment of the Water Resources De-
 23 velopment Act of 2016”; and

1 (ii) in subparagraph (A)(ii), by strik-
2 ing “that—” and all that follows through
3 “(II)” and inserting “that”; and

4 (2) in subsection (b)—

5 (A) in paragraph (1), by redesignating
6 subparagraphs (A) through (C) as clauses (i)
7 through (iii), respectively, and indenting appro-
8 priately;

9 (B) by redesignating paragraphs (1) and
10 (2) as subparagraphs (A) and (B), respectively,
11 and indenting appropriately;

12 (C) in the matter preceding subparagraph
13 (A) (as so redesignated), by striking “For” and
14 inserting the following:

15 “(1) IN GENERAL.—For”; and

16 (D) by adding at the end the following:

17 “(2) EXPEDITED CONSIDERATION OF CUR-
18 RENTLY AUTHORIZED PROGRAMMATIC AUTHORI-
19 TIES.—Not later than 180 days after the date of en-
20 actment of the Water Resources Development Act of
21 2016, the Secretary shall submit to the Committee
22 on Environment and Public Works of the Senate
23 and the Committee on Transportation and Infra-
24 structure of the House of Representatives a report
25 that contains—

1 “(A) a list of all programmatic authorities
2 for aquatic ecosystem restoration or improve-
3 ment of the environment that—

4 “(i) were authorized or modified in
5 the Water Resources Development Act of
6 2007 (Public Law 110–114; 121 Stat.
7 1041) or any subsequent Act; and

8 “(ii) that meet the criteria described
9 in paragraph (1); and

10 “(B) a plan for expeditiously completing
11 the projects under the authorities described in
12 subparagraph (A), subject to available fund-
13 ing.”.

14 **SEC. 1030. KENNEWICK MAN.**

15 (a) **DEFINITIONS.**—In this section:

16 (1) **CLAIMANT TRIBES.**—The term “claimant
17 tribes” means the Indian tribes and band referred to
18 in the letter from Secretary of the Interior Bruce
19 Babbitt to Secretary of the Army Louis Caldera, re-
20 lating to the human remains and dated September
21 21, 2000.

22 (2) **DEPARTMENT.**—The term “Department”
23 means the Washington State Department of Archae-
24 ology and Historic Preservation.

1 (3) HUMAN REMAINS.—The term “human re-
2 mains” means the human remains that—

3 (A) are known as Kennewick Man or the
4 Ancient One, which includes the projectile point
5 lodged in the right ilium bone, as well as any
6 residue from previous sampling and studies;
7 and

8 (B) are part of archaeological collection
9 number 45BN495.

10 (b) TRANSFER.—Notwithstanding any other provi-
11 sion of Federal law, including the Native American Graves
12 Protection and Repatriation Act (25 U.S.C. 3001 et seq.),
13 or law of the State of Washington, not later than 90 days
14 after the date of enactment of this Act, the Secretary, act-
15 ing through the Chief of Engineers, shall transfer the
16 human remains to the Department, on the condition that
17 the Department, acting through the State Historic Preser-
18 vation Officer, disposes of the remains and repatriates the
19 remains to claimant tribes.

20 (c) COST.—The Corps of Engineers shall be respon-
21 sible for any costs associated with the transfer.

22 (d) LIMITATIONS.—

23 (1) IN GENERAL.—The transfer shall be limited
24 solely to the human remains portion of the archae-
25 ological collection.

1 (2) SECRETARY.—The Secretary shall have no
 2 further responsibility for the human remains trans-
 3 ferred pursuant to subsection (b) after the date of
 4 the transfer.

5 **SEC. 1031. DISPOSITION STUDIES.**

6 In carrying out any disposition study for a project
 7 of the Corps of Engineers (including a study under section
 8 216 of the Flood Control Act of 1970 (33 U.S.C. 549a)),
 9 the Secretary shall consider the extent to which the prop-
 10 erty has economic or recreational significance or impacts
 11 at the national, State, or local level.

12 **SEC. 1032. TRANSFER OF EXCESS CREDIT.**

13 Section 1020 of the Water Resources Reform and De-
 14 velopment Act of 2014 (33 U.S.C. 2223) is amended—

15 (1) in subsection (a)—

16 (A) by striking the subsection designation
 17 and heading and all that follows through “Sub-
 18 ject to subsection (b)” and inserting the fol-
 19 lowing:

20 “(a) APPLICATION OF CREDIT.—

21 “(1) IN GENERAL.—Subject to subsection (b)”;
 22 and

23 (B) by adding at the end the following:

24 “(2) REASONABLE INTERVALS.—On request
 25 from a non-Federal interest, the credit described in

1 subsection (a) may be applied at reasonable intervals
 2 as those intervals occur and are identified as being
 3 in excess of the required non-Federal cost share
 4 prior to completion of the study or project if the
 5 credit amount is verified by the Secretary.”;

6 (2) by striking subsection (d); and

7 (3) by redesignating subsection (e) as sub-
 8 section (d).

9 **SEC. 1033. SURPLUS WATER STORAGE.**

10 Section 1046(c) of the Water Resources Reform and
 11 Development Act of 2014 (Public Law 113–121; 128 Stat.
 12 1254) is amended by adding at the end the following:

13 “(5) TIME LIMIT.—

14 “(A) IN GENERAL.—If the Secretary has
 15 documented the volume of surplus water avail-
 16 able, not later than 60 days after the date on
 17 which the Secretary receives a request for a
 18 contract and easement, the Secretary shall issue
 19 a decision on the request.

20 “(B) OUTSTANDING INFORMATION.—If the
 21 Secretary has not documented the volume of
 22 surplus water available, not later than 30 days
 23 after the date on which the Secretary receives
 24 a request for a contract and easement, the Sec-
 25 retary shall provide to the requester—

1 “(i) an identification of any out-
 2 standing information that is needed to
 3 make a final decision;

4 “(ii) the date by which the informa-
 5 tion referred to in clause (i) shall be ob-
 6 tained; and

7 “(iii) the date by which the Secretary
 8 will make a final decision on the request.”.

9 **SEC. 1034. HURRICANE AND STORM DAMAGE REDUCTION.**

10 Section 3(c)(2)(B) of the Act of August 13, 1946 (33
 11 U.S.C. 426g(c)(2)(B)) is amended by striking
 12 “\$5,000,000” and inserting “\$10,000,000”.

13 **SEC. 1035. FISH HATCHERIES.**

14 (a) IN GENERAL.—Notwithstanding any other provi-
 15 sion of law, the Secretary may operate a fish hatchery for
 16 the purpose of restoring a population of fish species lo-
 17 cated in the region surrounding the fish hatchery that is
 18 listed as a threatened species or an endangered species
 19 under the Endangered Species Act of 1973 (16 U.S.C.
 20 1531 et seq.) or a similar State law.

21 (b) COSTS.—A non-Federal entity, another Federal
 22 agency, or a group of non-Federal entities or other Fed-
 23 eral agencies shall be responsible for 100 percent of the
 24 additional costs associated with managing a fish hatchery
 25 for the purpose described in subsection (a) that are not

1 authorized as of the date of enactment of this Act for the
2 fish hatchery.

3 **SEC. 1036. FEASIBILITY STUDIES AND WATERSHED ASSESS-**
4 **MENTS.**

5 (a) VERTICAL INTEGRATION AND ACCELERATION OF
6 STUDIES.—Section 1001(d) of the Water Resources Re-
7 form and Development Act of 2014 (33 U.S.C. 2282c(d))
8 is amended by striking paragraph (3) and inserting the
9 following:

10 “(3) REPORT.—Not later than February 1 of
11 each year, the Secretary shall submit to the Com-
12 mittee on Environment and Public Works of the
13 Senate and the Committee on Transportation and
14 Infrastructure of the House of Representatives a re-
15 port that identifies any feasibility study for which
16 the Secretary in the preceding fiscal year approved
17 an increase in cost or extension in time as provided
18 under this section, including an identification of the
19 specific 1 or more factors used in making the deter-
20 mination that the project is complex.”.

21 (b) COST SHARING.—Section 105(a)(1)(A) of the
22 Water Resources Development Act of 1986 (33 U.S.C.
23 2215(a)(1)(A)) is amended—

(1) by striking the subparagraph designation and heading and all that follows through “The Secretary” and inserting the following:

“(A) REQUIREMENT.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Secretary”; and

(2) by adding at the end the following:

“(ii) EXCEPTION.—For the purpose of meeting or otherwise communicating with prospective non-Federal sponsors to identify the scope of a potential water resources project feasibility study, identifying the Federal interest, developing the cost sharing agreement, and developing the project management plan, the first \$100,000 of the feasibility study shall be a Federal expense.”.

(c) NON-FEDERAL SHARE.—Section 729(f)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2267a(f)(1)) is amended by inserting before the period at the end “, except that the first \$100,000 of the assessment shall be a Federal expense”.

SEC. 1037. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) is amended—

1 (1) in subsection (b), by striking “measures”
 2 and all that follows through “project” and inserting
 3 “measures, including a study, shall be cost-shared in
 4 the same proportion as the cost-sharing provisions
 5 applicable to construction of the project”; and

6 (2) by adding at the end the following:

7 “(e) REIMBURSEMENT FOR FEASIBILITY STUDIES.—
 8 Beginning on the date of enactment of this subsection, in
 9 any case in which the Secretary implements a project
 10 under this section, the Secretary shall reimburse or credit
 11 the non-Federal interest for any amounts contributed for
 12 the study evaluating the damage in excess of the non-Fed-
 13 eral share of the costs, as determined under subsection
 14 (b).”.

15 **SEC. 1038. ENHANCING LAKE RECREATION OPPORTUNI-**
 16 **TIES.**

17 Section 3134 of the Water Resources Development
 18 Act of 2007 (Public Law 110–114; 121 Stat. 1142) is
 19 amended by striking subsection (e).

20 **SEC. 1039. COST ESTIMATES.**

21 Section 2008 of the Water Resources Development
 22 Act of 2007 (33 U.S.C. 2340) is amended by striking sub-
 23 section (c).

1 **SEC. 1040. TRIBAL PARTNERSHIP PROGRAM.**

2 Section 203 of the Water Resources Development Act
3 of 2000 (33 U.S.C. 2269) is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (1), in the matter pre-
6 ceding subparagraph (A), by striking “the Sec-
7 retary” and all that follows through “projects”
8 and inserting “the Secretary may carry out
9 water-related planning activities, or activities
10 relating to the study, design, and construction
11 of water resources development projects or
12 projects for the preservation of cultural and
13 natural resources,”;

14 (B) in paragraph (2), in the matter pre-
15 ceding subparagraph (A), by striking “(2) MAT-
16 TERS TO BE STUDIED.—A study” and inserting
17 the following:

18 “(2) AUTHORIZED ACTIVITIES.—Any activity”;

19 and

20 (C) by adding at the end the following:

21 “(3) FEASIBILITY STUDY AND REPORTS.—

22 “(A) IN GENERAL.—On the request of an
23 Indian tribe, the Secretary shall conduct a
24 study, and provide to the Indian tribe a report
25 describing the feasibility of a water resources
26 development project or project for the preserva-

tion of cultural and natural resources described
in paragraph (1).

“(B) RECOMMENDATION.—A report under
subparagraph (A) may, but shall not be re-
quired to, contain a recommendation on a spe-
cific water resources development project.

“(C) FUNDING.—The first \$100,000 of a
study under this paragraph shall be at full Fed-
eral expense.

“(4) DESIGN AND CONSTRUCTION.—

“(A) IN GENERAL.—The Secretary may
carry out the design and construction of a
water resources development project or project
for the preservation of cultural and natural re-
sources described in paragraph (1) that the
Secretary determines is feasible if the Federal
share of the cost of the project is not more than
\$10,000,000.

“(B) SPECIFIC AUTHORIZATION.—If the
Federal share of the cost of a project described
in subparagraph (A) is more than \$10,000,000,
the Secretary may only carry out the project if
Congress enacts a law authorizing the Secretary
to carry out the project.”;

(2) in subsection (c)—

1 (A) in paragraph (1), by striking “studies”
 2 and inserting “any activity”; and

3 (B) in paragraph (2)(B), by striking “car-
 4 rying out projects studied” and inserting “any
 5 activity conducted”;

6 (3) in subsection (d)—

7 (A) in paragraph (1)(A), by striking “a
 8 study” and inserting “any activity conducted”;
 9 and

10 (B) by striking paragraph (2) and insert-
 11 ing the following:

12 “(2) CREDIT.—The Secretary may credit to-
 13 ward the non-Federal share of the costs of any activ-
 14 ity conducted under subsection (b) the cost of serv-
 15 ices, studies, supplies, or other in-kind contributions
 16 provided by the non-Federal interest.

17 “(3) SOVEREIGN IMMUNITY.—The Secretary
 18 shall not require an Indian tribe to waive the sov-
 19 ereign immunity of the Indian tribe as a condition
 20 to entering into a cost-sharing agreement under this
 21 subsection.

22 “(4) WATER RESOURCES DEVELOPMENT
 23 PROJECTS.—

24 “(A) IN GENERAL.—The non-Federal
 25 share of costs for the study of a water resources

1 development project described in subsection
 2 (b)(1) shall be 50 percent.

3 “(B) OTHER COSTS.—The non-Federal
 4 share of costs of design and construction of a
 5 project described in subparagraph (A) shall be
 6 assigned to the appropriate project purposes de-
 7 scribed in sections 101 and 103 of the Water
 8 Resources Development Act of 1986 (33 U.S.C.
 9 2211, 2213) and shared in the same percent-
 10 ages as the purposes to which the costs are as-
 11 signed.

12 “(5) PROJECTS FOR THE PRESERVATION OF
 13 CULTURAL AND NATURAL RESOURCES.—

14 “(A) IN GENERAL.—The non-Federal
 15 share of costs for the study of a project for the
 16 preservation of cultural and natural resources
 17 described in subsection (b)(1) shall be 50 per-
 18 cent.

19 “(B) OTHER COSTS.—The non-Federal
 20 share of costs of design and construction of a
 21 project described in subparagraph (A) shall be
 22 65 percent.

23 “(6) WATER-RELATED PLANNING ACTIVITIES.—

1 “(A) IN GENERAL.—The non-Federal
2 share of costs of a watershed and river basin
3 assessment shall be 25 percent.

4 “(B) OTHER COSTS.—The non-Federal
5 share of costs of other water-related planning
6 activities described in subsection (b)(1) shall be
7 65 percent.”; and
8 (4) by striking subsection (e).

9 **SEC. 1041. COST SHARING FOR TERRITORIES AND INDIAN**
10 **TRIBES.**

11 Section 1156 of the Water Resources Development
12 Act of 1986 (33 U.S.C. 2310) is amended—

13 (1) in the section heading, by striking “**TERRI-**
14 **TORIES**” and inserting “**TERRITORIES AND IN-**
15 **DIAN TRIBES**”; and

16 (2) by striking subsection (a) and inserting the
17 following:

18 “(a) IN GENERAL.—The Secretary shall waive local
19 cost-sharing requirements up to \$200,000 for all studies,
20 projects, and assistance under section 22(a) of the Water
21 Resources Development Act of 1974 (42 U.S.C. 1962d–
22 16(a))—

23 “(1) in American Samoa, Guam, the Northern
24 Mariana Islands, the Virgin Islands, Puerto Rico,
25 and the Trust Territory of the Pacific Islands; and

1 “(2) for any Indian tribe (as defined in section
2 102 of the Federally Recognized Indian Tribe List
3 Act of 1994 (25 U.S.C. 5130)).”.

4 **SEC. 1042. LOCAL GOVERNMENT WATER MANAGEMENT**
5 **PLANS.**

6 The Secretary, with the consent of the non-Federal
7 sponsor of a feasibility study for a water resources devel-
8 opment project, may enter into a feasibility study cost-
9 sharing agreement under section 221(a) of the Flood Con-
10 trol Act of 1970 (42 U.S.C. 1962d–5b(a)), to allow a unit
11 of local government in a watershed that has adopted a
12 local or regional water management plan to participate in
13 the feasibility study to determine if there is an opportunity
14 to include additional feasible elements in the project being
15 studied to help achieve the purposes identified in the local
16 or regional water management plan.

17 **SEC. 1043. CREDIT IN LIEU OF REIMBURSEMENT.**

18 Section 1022 of the Water Resources Reform and De-
19 velopment Act of 2014 (33 U.S.C. 2225) is amended—

20 (1) in subsection (a), by striking “that has been
21 constructed by a non-Federal interest under section
22 211 of the Water Resources Development Act of
23 1996 (33 U.S.C. 701b–13) before the date of enact-
24 ment of this Act” and inserting “for which a written
25 agreement with the Corps of Engineers for construc-

1 tion was finalized on or before December 31, 2014,
 2 under section 211 of the Water Resources Develop-
 3 ment Act of 1996 (33 U.S.C. 701b–13) (as it ex-
 4 isted before the repeal made by section
 5 1014(c)(3))”; and

6 (2) in subsection (b), by striking “share of the
 7 cost of the non-Federal interest of carrying out
 8 other flood damage reduction projects or studies”
 9 and inserting “non-Federal share of the cost of car-
 10 rying out other water resources development projects
 11 or studies of the non-Federal interest”.

12 **SEC. 1044. RETROACTIVE CHANGES TO COST-SHARING**
 13 **AGREEMENTS.**

14 Study costs incurred before the date of execution of
 15 a feasibility cost-sharing agreement for a project to be car-
 16 ried out under section 206 of the Water Resources Devel-
 17 opment Act of 1996 (33 U.S.C. 2330) shall be Federal
 18 costs, if—

19 (1) the study was initiated before October 1,
 20 2006; and

21 (2) the feasibility cost-sharing agreement was
 22 not executed before January 1, 2014.

1 **SEC. 1045. EASEMENTS FOR ELECTRIC, TELEPHONE, OR**
 2 **BROADBAND SERVICE FACILITIES ELIGIBLE**
 3 **FOR FINANCING UNDER THE RURAL ELEC-**
 4 **TRIFICATION ACT OF 1936.**

5 (a) DEFINITION OF WATER RESOURCES DEVELOP-
 6 MENT PROJECT.—In this section, the term “water re-
 7 sources development project” means a project under the
 8 administrative jurisdiction of the Corps of Engineers that
 9 is subject to part 327 of title 36, Code of Federal Regula-
 10 tions (or successor regulations).

11 (b) NO CONSIDERATION FOR EASEMENTS.—The Sec-
 12 retary may not collect consideration for an easement
 13 across water resources development project land for the
 14 electric, telephone, or broadband service facilities of non-
 15 profit organizations eligible for financing under the Rural
 16 Electrification Act of 1936 (7 U.S.C. 901 et seq.).

17 (c) ADMINISTRATIVE EXPENSES.—Nothing in this
 18 section affects the authority of the Secretary under section
 19 2695 of title 10, United States Code, or under section
 20 9701 of title 31, United State Code, to collect funds to
 21 cover reasonable administrative expenses incurred by the
 22 Secretary.

23 **SEC. 1046. STUDY ON THE PERFORMANCE OF INNOVATIVE**
 24 **MATERIALS.**

25 (a) DEFINITION OF INNOVATIVE MATERIAL.—In this
 26 section, the term “innovative material”, with respect to

1 a water resources development project, includes high per-
2 formance concrete formulations, geosynthetic materials,
3 advanced alloys and metals, reinforced polymer compos-
4 ites, and any other material, as determined by the Sec-
5 retary.

6 (b) STUDY.—

7 (1) IN GENERAL.—The Secretary shall offer to
8 enter into a contract with the Transportation Re-
9 search Board of the National Academy of Sciences—

10 (A) to develop a proposal to study the use
11 and performance of innovative materials in
12 water resources development projects carried
13 out by the Corps of Engineers; and

14 (B) after the opportunity for public com-
15 ment provided in accordance with subsection
16 (c), to carry out the study proposed under sub-
17 paragraph (A).

18 (2) CONTENTS.—The study under paragraph

19 (1) shall identify—

20 (A) the conditions that result in degrada-
21 tion of water resources infrastructure;

22 (B) the capabilities of the innovative mate-
23 rials in reducing degradation;

24 (C) barriers to the expanded successful use
25 of innovative materials;

1 (D) recommendations on including per-
2 formance-based requirements for the incorpora-
3 tion of innovative materials into the Unified Fa-
4 cilities Guide Specifications;

5 (E) recommendations on how greater use
6 of innovative materials could increase perform-
7 ance of an asset of the Corps of Engineers in
8 relation to extended service life;

9 (F) additional ways in which greater use of
10 innovative materials could empower the Corps
11 of Engineers to accomplish the goals of the
12 Strategic Plan for Civil Works of the Corps of
13 Engineers; and

14 (G) recommendations on any further re-
15 search needed to improve the capabilities of in-
16 novative materials in achieving extended service
17 life and reduced maintenance costs in water re-
18 sources development infrastructure.

19 (c) PUBLIC COMMENT.—After developing the study
20 proposal under subsection (b)(1)(A) and before carrying
21 out the study under subsection (b)(1)(B), the Secretary
22 shall provide an opportunity for public comment on the
23 study proposal.

24 (d) CONSULTATION.—In carrying out the study
25 under subsection (b)(1), the Secretary, at a minimum,

1 shall consult with relevant experts on engineering, environ-
2 mental, and industry considerations.

3 (e) REPORT TO CONGRESS.—Not later than 2 years
4 after the date of enactment of this Act, the Secretary shall
5 submit to Congress a report describing the results of the
6 study required under subsection (b)(1).

7 **SEC. 1047. DEAUTHORIZATION OF INACTIVE PROJECTS.**

8 (a) IN GENERAL.—Section 6001(c) of the Water Re-
9 sources Reform and Development Act of 2014 (33 U.S.C.
10 579b(c)) is amended by adding at the end the following:

11 “(5) DEFINITION OF CONSTRUCTION.—In this
12 subsection, the term ‘construction’ includes the obli-
13 gation or expenditure of non-Federal funds for con-
14 struction of elements integral to the authorized
15 project, whether or not the activity takes place pur-
16 suant to any agreement with, expenditure by, or ob-
17 ligation from the Secretary.”.

18 (b) NOTICES OF CORRECTION.—Not later than 60
19 days after the date of enactment of this Act, the Secretary
20 shall publish in the Federal Register a notice of correction
21 removing from the lists under subsections (c) and (d) of
22 section 6001 of the Water Resources Reform and Develop-
23 ment Act of 2014 (33 U.S.C. 579b) any project that was
24 listed even though construction (as defined in subsection
25 (c)(5) of that section) took place.

1 **SEC. 1048. REVIEW OF RESERVOIR OPERATIONS.**

2 (a) DEFINITIONS.—In this section:

3 (1) RESERVED WORKS.—The term “reserved
4 works” means any Bureau of Reclamation project
5 facility at which the Secretary of the Interior carries
6 out the operation and maintenance of the project fa-
7 cility.

8 (2) TRANSFERRED WORKS.—The term “trans-
9 ferred works” means a Bureau of Reclamation
10 project facility, the operation and maintenance of
11 which is carried out by a non-Federal entity under
12 the provisions of a formal operation and mainte-
13 nance transfer contract.

14 (3) TRANSFERRED WORKS OPERATING ENTI-
15 TY.—The term “transferred works operating entity”
16 means the organization that is contractually respon-
17 sible for operation and maintenance of transferred
18 works.

19 (b) APPLICABILITY.—

20 (1) IN GENERAL.—This section applies to res-
21 ervoirs that are subject to regulation by the Sec-
22 retary under section 7 of the Act of December 22,
23 1944 (33 U.S.C. 709) located in a State in which
24 a Bureau of Reclamation project is located.

25 (2) EXCLUSIONS.—This section shall not apply
26 to—

1 (A) any project authorized by the Boulder
2 Canyon Project Act (43 U.S.C. 617 et seq.);

3 (B) the initial units of the Colorado River
4 Storage Project, as authorized by the first sec-
5 tion of the Act of April 11, 1956 (commonly
6 known as the “Colorado River Storage Project
7 Act”) (43 U.S.C. 620);

8 (C) any dam or reservoir operated by the
9 Bureau of Reclamation as reserved works, un-
10 less all non-Federal project sponsors of the re-
11 served works jointly provide to the Secretary a
12 written request for application of this section to
13 the project;

14 (D) any dam or reservoir owned and oper-
15 ated by the Corps of Engineers; or

16 (E) any Bureau of Reclamation trans-
17 ferred works, unless the transferred works oper-
18 ating entity provides to the Secretary a written
19 request for application of this section to the
20 project.

21 (c) REVIEW.—

22 (1) IN GENERAL.—In accordance with the au-
23 thorities of the Secretary in effect on the day before
24 the date of enactment of this Act, at the reservoirs
25 described in paragraph (2), the Secretary may—

1 (A) review any flood control rule curves de-
2 veloped by the Secretary; and

3 (B) determine, based on the best available
4 science (including improved weather forecasts
5 and forecast-informed operations, new water-
6 shed data, or structural improvements) whether
7 an update to the flood control rule curves and
8 associated changes to the water operations
9 manuals is appropriate.

10 (2) DESCRIPTION OF RESERVOIRS.—The res-
11 ervoirs referred to in paragraph (1) are reservoirs—

12 (A)(i) located in areas with prolonged
13 drought conditions; or

14 (ii) for which no review has occurred dur-
15 ing the 10-year period preceding the date of en-
16 actment of this Act; and

17 (B) for which individuals or entities, in-
18 cluding the individuals or entities responsible
19 for operations and maintenance costs or that
20 have storage entitlements or contracts at a res-
21 ervoir, a unit of local government, the owner of
22 a non-Federal project, or the non-Federal
23 transferred works operating entity, as applica-
24 ble, have submitted to the Secretary a written

1 request to carry out the review described in
2 paragraph (1).

3 (3) REQUIRED CONSULTATION.—In carrying
4 out a review under paragraph (1) and prior to up-
5 dating any flood control rule curves and manuals
6 under subsection (e), the Secretary shall comply with
7 all applicable public participation and agency review
8 requirements, including consultation with—

9 (A) affected States, Indian tribes, and
10 other Federal and State agencies with jurisdic-
11 tion over a portion of or all of the project or the
12 operations of the project;

13 (B) the applicable power marketing admin-
14 istration, in the case of reservoirs with Federal
15 hydropower projects;

16 (C) any non-Federal entity responsible for
17 operation and maintenance costs;

18 (D) any entity that has a contractual right
19 to withdraw water from, or use storage at, the
20 project;

21 (E) any entity that the State determines
22 holds rights under State law to the use of water
23 from the project; and

1 (F) any unit of local government with flood
2 risk reduction responsibilities downstream of
3 the project.

4 (d) AGREEMENT.—Before carrying out an activity
5 under this section, the Secretary shall enter into a cooper-
6 ative agreement, memorandum of understanding, or other
7 agreement with an affected State, any owner or operator
8 of the reservoir, and, on request, any non-Federal entities
9 responsible for operation and maintenance costs at the
10 reservoir, that describes the scope and goals of the activity
11 and the coordination among the parties.

12 (e) UPDATES.—If the Secretary determines under
13 subsection (c) that an update to a flood control rule curve
14 and associated changes to a water operations manual is
15 appropriate, the Secretary may update the flood control
16 rule curve and manual in accordance with the authorities
17 in effect on the day before the date of enactment of this
18 Act.

19 (f) FUNDING.—

20 (1) IN GENERAL.—Subject to subsection (d),
21 the Secretary may accept and expend amounts from
22 the entities described in paragraph (2) to fund all or
23 part of the cost of carrying out a review under sub-
24 section (c) or an update under subsection (e), includ-
25 ing any associated environmental documentation.

1 (2) DESCRIPTION OF ENTITIES.—The entities
2 referred to in paragraph (1) are—

3 (A) non-Federal entities responsible for op-
4 erations and maintenance costs at the affected
5 reservoir;

6 (B) individuals and non-Federal entities
7 with storage entitlements at the affected res-
8 ervoir;

9 (C) a Federal power marketing agency
10 that markets power produced by the affected
11 reservoir;

12 (D) units of local government;

13 (E) public or private entities holding con-
14 tracts with the Federal Government for water
15 storage or water supply at the affected res-
16 ervoir; and

17 (F) a nonprofit entity, with the consent of
18 the affected unit of local government.

19 (3) IN-KIND CONTRIBUTIONS.—The Secretary
20 may—

21 (A) accept and use materials and services
22 contributed by an entity described in paragraph
23 (2) under this subsection; and

24 (B) credit the value of the contributed ma-
25 terials and services toward the cost of carrying

1 out a review or revision of operational docu-
2 ments under this section.

3 (g) PROTECTION OF EXISTING RIGHTS.—The Sec-
4 retary shall not issue an updated flood control rule curve
5 or operations manual under subsection (e) that—

6 (1) interferes with an authorized purpose of the
7 project or the existing purposes of a non-Federal
8 project regulated for flood control by the Secretary;

9 (2) reduces the ability to meet contractual
10 rights to water or storage at the reservoir;

11 (3) adversely impacts legal rights to water
12 under State law;

13 (4) fails to address appropriate credit for the
14 appropriate power marketing agency, if applicable;
15 or

16 (5) if a project is subject to section 301(e) of
17 the Water Supply Act of 1958 (43 U.S.C. 390b(e)),
18 makes modifications to the project that do not meet
19 the requirements of that section, unless the modi-
20 fication is submitted to and authorized by Congress.

21 (h) EFFECT OF SECTION.—Nothing in this section—

22 (1) authorizes the Secretary to take any action
23 not otherwise authorized as of the date of enactment
24 of this Act;

1 (2) affects or modifies any obligation of the
2 Secretary under Federal or State law; or

3 (3) affects or modifies any other authority of
4 the Secretary to review or modify reservoir oper-
5 ations.

6 **SEC. 1049. WRITTEN AGREEMENT REQUIREMENT FOR**
7 **WATER RESOURCES PROJECTS.**

8 Section 221(a)(3) of the Flood Control Act of 1970
9 (42 U.S.C. 1962d–5b(a)(3)) is amended by striking
10 “State legislature, the agreement may reflect” and insert-
11 ing “State legislature, on the request of the State, body
12 politic, or entity, the agreement shall reflect”.

13 **SEC. 1050. MAXIMUM COST OF PROJECTS.**

14 Section 902 of the Water Resources Development of
15 1986 (33 U.S.C. 2280) is amended—

16 (1) in subsection (a)(2)(A), by striking “in-
17 dexes” and inserting “indexes, including actual ap-
18 preciation in relevant real estate markets”; and

19 (2) in subsection (b)—

20 (A) by striking “Notwithstanding sub-
21 section (a), in accordance with section 5 of the
22 Act of June 22, 1936 (33 U.S.C. 701h)” and
23 inserting the following:

24 “(1) IN GENERAL.—Notwithstanding subsection
25 (a)”;

1 (B) in paragraph (1) (as so designated)—

2 (i) by striking “funds” the first place
3 it appears and inserting “funds, in-kind
4 contributions, and land, easements, and
5 right-of-way, relocations, and dredged ma-
6 terial disposal areas”; and

7 (ii) by striking “such funds” each
8 place it appears and inserting “the con-
9 tributions”; and

10 (C) by adding at the end the following:

11 “(2) LIMITATION.—Funds, in-kind contribu-
12 tions, and land, easements, and right-of-way, reloca-
13 tions, and dredged material disposal areas provided
14 under this subsection are not eligible for credit or
15 repayment and shall not be included in calculating
16 the total cost of the project.”.

17 **SEC. 1051. CONVERSION OF SURPLUS WATER AGREE-**
18 **MENTS.**

19 Section 6 of the Act of December 22, 1944 (33
20 U.S.C. 708), is amended—

21 (1) by striking “**SEC. 6.** That the Secretary”
22 and inserting the following:

23 **“SEC. 6. SALE OF SURPLUS WATERS FOR DOMESTIC AND**
24 **INDUSTRIAL USES.**

25 “(a) IN GENERAL.—The Secretary”; and

1 (2) by adding at the end the following:

2 “(b) CONTINUATION OF CERTAIN WATER SUPPLY
3 AGREEMENTS.—In any case in which a water supply
4 agreement was predicated on water that was surplus to
5 a purpose and provided for contingent permanent storage
6 rights under section 301 of the Water Supply Act of 1958
7 (43 U.S.C. 390b) pending the need for storage for that
8 purpose, and that purpose is no longer authorized, the
9 Secretary of the Army shall continue the agreement with
10 the same payment and all other terms as in effect prior
11 to deauthorization of the purpose if the non-Federal entity
12 has met all of the conditions of the agreement.

13 “(c) PERMANENT STORAGE AGREEMENTS.—In any
14 case in which a water supply agreement with a duration
15 of 30 years or longer was predicated on water that was
16 surplus to a purpose and provided for the complete pay-
17 ment of the actual investment costs of storage to be used,
18 and that purpose is no longer authorized, the Secretary
19 of the Army shall provide to the non-Federal entity an
20 opportunity to convert the agreement to a permanent stor-
21 age agreement in accordance with section 301 of the
22 Water Supply Act of 1958 (43 U.S.C. 390b), with the
23 same payment terms incorporated in the agreement.”.

1 **SEC. 1052. AUTHORIZED FUNDING FOR INTERAGENCY AND**
2 **INTERNATIONAL SUPPORT.**

3 Section 234(d)(1) of the Water Resources Develop-
4 ment Act of 1996 (33 U.S.C. 2323a(d)(1)) is amended
5 by striking “\$1,000,000” and inserting “\$5,000,000”.

6 **SEC. 1053. SURPLUS WATER STORAGE.**

7 (a) IN GENERAL.—The Secretary shall not charge a
8 fee for surplus water under a contract entered into pursu-
9 ant to section 6 of the Act of December 22, 1944 (33
10 U.S.C. 708) (commonly known as the “Flood Control Act
11 of 1944”) if the contract is for surplus water stored in
12 the Lake Cumberland Watershed, Kentucky and Ten-
13 nessee.

14 (b) TERMINATION.—The limitation under subsection
15 (a) shall expire on the date that is 2 years after the date
16 of enactment of this Act.

17 (c) APPLICABILITY.—Nothing in this section—

18 (1) affects the authority of the Secretary under
19 section 2695 of title 10, United States Code, to ac-
20 cept funds or to cover the administrative expenses
21 relating to certain real property transactions;

22 (2) affects the application of section 6 of the
23 Act of December 22, 1944 (33 U.S.C. 708) (com-
24 monly known as the “Flood Control Act of 1944”) or
25 the Water Supply Act of 1958 (43 U.S.C. 390b)

1 to surplus water stored outside of the Lake Cum-
 2 berland Watershed, Kentucky and Tennessee; or

3 (3) affects the authority of the Secretary to ac-
 4 cept funds under section 216(e) of the Water Re-
 5 sources Development Act of 1996 (33 U.S.C.
 6 2321a).

7 **SEC. 1054. GAO REVIEW AND REPORT.**

8 Not later than 2 years after the date of enactment
 9 of this Act, the Comptroller General of the United States
 10 shall conduct a review, and submit to Congress a report
 11 on the implementation and effectiveness of the projects
 12 carried out under section 219 of the Water Resources De-
 13 velopment Act of 1992 (Public Law 102–580; 106 Stat.
 14 4835).

15 **TITLE II—NAVIGATION**

16 **SEC. 2001. PROJECTS FUNDED BY THE INLAND WATERWAYS**
 17 **TRUST FUND.**

18 Beginning on June 10, 2014, and ending on the date
 19 that is 15 years after the date of enactment of this Act,
 20 section 1001(b)(2) of the Water Resources Development
 21 Act of 1986 (33 U.S.C. 579a(b)(2)) shall not apply to any
 22 project authorized to receive funding from the Inland Wa-
 23 terways Trust Fund established by section 9506(a) of the
 24 Internal Revenue Code of 1986.

1 **SEC. 2002. OPERATION AND MAINTENANCE OF FUEL-TAXED**
 2 **INLAND WATERWAYS.**

3 Section 102(c) of the Water Resources Development
 4 Act of 1986 (33 U.S.C. 2212(c)) is amended by adding
 5 at the end the following:

6 “(3) CREDIT OR REIMBURSEMENT.—The Fed-
 7 eral share of operation and maintenance carried out
 8 by a non-Federal interest under this subsection after
 9 the date of enactment of the Water Resources Re-
 10 form and Development Act of 2014 shall be eligible
 11 for reimbursement or for credit toward—

12 “(A) the non-Federal share of future oper-
 13 ation and maintenance under this subsection; or

14 “(B) any measure carried out by the Sec-
 15 retary under section 3017(a) of the Water Re-
 16 sources Reform and Development Act of 2014
 17 (33 U.S.C. 3303a note; Public Law 113–
 18 121).”.

19 **SEC. 2003. FUNDING FOR HARBOR MAINTENANCE PRO-**
 20 **GRAMS.**

21 Section 2101 of the Water Resources Reform and De-
 22 velopment Act of 2014 (33 U.S.C. 2238b) is amended—

23 (1) in subsection (b)(1), in the matter pre-
 24 ceding subparagraph (A), by striking “The target
 25 total” and inserting “Except as provided in sub-
 26 section (c), the target total”;

1 (2) by redesignating subsection (c) as sub-
2 section (d); and

3 (3) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) EXCEPTION.—If the target total budget re-
6 sources for a fiscal year described in subparagraphs (A)
7 through (J) of subsection (b)(1) is lower than the target
8 total budget resources for the previous fiscal year, then
9 the target total budget resources shall be adjusted to be
10 equal to the lesser of—

11 “(1) 103 percent of the total budget resources
12 appropriated for the previous fiscal year; or

13 “(2) 100 percent of the total amount of harbor
14 maintenance taxes received in the previous fiscal
15 year.”.

16 **SEC. 2004. DREDGED MATERIAL DISPOSAL.**

17 Disposal of dredged material shall not be considered
18 environmentally acceptable for the purposes of identifying
19 the Federal standard (as defined in section 335.7 of title
20 33, Code of Federal Regulations (or successor regula-
21 tions)) if the disposal violates applicable State water qual-
22 ity standards approved by the Administrator of the Envi-
23 ronmental Protection Agency under section 303 of the
24 Federal Water Pollution Control Act (33 U.S.C. 1313).

1 **SEC. 2005. CAPE ARUNDEL DISPOSAL SITE, MAINE.**

2 (a) DEADLINE.—The Cape Arundel Disposal Site se-
3 lected by the Department of the Army as an alternative
4 dredged material disposal site under section 103(b) of the
5 Marine Protection, Research, and Sanctuaries Act of 1972
6 (33 U.S.C. 1413(b)) and reopened pursuant to section 113
7 of the Energy and Water Development and Related Agen-
8 cies Appropriations Act, 2014 (Public Law 113–76; 128
9 Stat. 158) (referred to in this section as the “Site”) may
10 remain open until the earlier of—

11 (1) the date on which the Site does not have
12 any remaining disposal capacity;

13 (2) the date on which an environmental impact
14 statement designating an alternative dredged mate-
15 rial disposal site for southern Maine has been com-
16 pleted; or

17 (3) the date that is 5 years after the date of en-
18 actment of this Act.

19 (b) LIMITATIONS.—The use of the Site as a dredged
20 material disposal site under subsection (a) shall be subject
21 to the conditions that—

22 (1) conditions at the Site remain suitable for
23 the continued use of the Site as a dredged material
24 disposal site; and

1 (2) the Site not be used for the disposal of
2 more than 80,000 cubic yards from any single
3 dredging project.

4 **SEC. 2006. MAINTENANCE OF HARBORS OF REFUGE.**

5 The Secretary is authorized to maintain federally au-
6 thorized harbors of refuge to restore and maintain the au-
7 thorized dimensions of the harbors.

8 **SEC. 2007. AIDS TO NAVIGATION.**

9 (a) IN GENERAL.—The Secretary shall—

10 (1) consult with the Commandant of the Coast
11 Guard regarding navigation on the Ouachita-Black
12 Rivers; and

13 (2) share information regarding the assistance
14 that the Secretary can provide regarding the place-
15 ment of any aids to navigation on the rivers referred
16 to in paragraph (1).

17 (b) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Secretary shall submit to
19 the Committee on Environment and Public Works of the
20 Senate and the Committee on Transportation and Infra-
21 structure of the House of Representatives a report on the
22 outcome of the consultation under subsection (a).

1 **SEC. 2008. BENEFICIAL USE OF DREDGED MATERIAL.**

2 Section 204 of the Water Resources Development Act
3 of 1992 (33 U.S.C. 2326) is amended by adding at the
4 end the following:

5 (1) in subsection (a)(1)—

6 (A) by striking “For sediment” and insert-
7 ing the following:

8 “(A) IN GENERAL.—For sediment”; and

9 (B) by adding at the end the following:

10 “(B) SEDIMENT FROM OTHER FEDERAL
11 SOURCES AND NON-FEDERAL SOURCES.—For
12 purposes of projects carried out under this sec-
13 tion, the Secretary may include sediment from
14 other Federal sources and non-Federal sources,
15 subject to the requirement that any sediment
16 obtained from a non-Federal source shall not be
17 obtained at Federal expense.”; and

18 (2) in subsection (d), by adding at the end the
19 following:

20 “(3) SPECIAL RULE.—Disposal of dredged ma-
21 terial under this subsection may include a single or
22 periodic application of sediment for beneficial use
23 and shall not require operation and maintenance.

24 “(4) DISPOSAL AT NON-FEDERAL COST.—The
25 Secretary may accept funds from a non-Federal in-
26 terest to dispose of dredged material as provided

1 under section 103(d)(1) of the Water Resources De-
 2 velopment Act of 1986 (33 U.S.C. 2213(d)(1)).”.

3 **SEC. 2009. OPERATION AND MAINTENANCE OF HARBOR**
 4 **PROJECTS.**

5 Section 210(c)(3) of the Water Resources Develop-
 6 ment Act of 1986 (33 U.S.C. 2238(c)(3)) is amended by
 7 striking “for each of fiscal years 2015 through 2022” and
 8 inserting “for each fiscal year”.

9 **SEC. 2010. ADDITIONAL MEASURES AT DONOR PORTS AND**
 10 **ENERGY TRANSFER PORTS.**

11 Section 2106 of the Water Resources Reform and De-
 12 velopment Act of 2014 (33 U.S.C. 2238c) is amended—

13 (1) in subsection (a)—

14 (A) by redesignating paragraphs (2)
 15 through (6) as paragraphs (3) through (7), re-
 16 spectively;

17 (B) by inserting after paragraph (1) the
 18 following:

19 “(2) DISCRETIONARY CARGO.—The term ‘dis-
 20 cretionary cargo’ means maritime cargo that is des-
 21 tined for inland locations and that can be economi-
 22 cally shipped through multiple seaports located in
 23 different countries or regions.”;

24 (C) in paragraph (3) (as redesignated)—

1 (i) by redesignating subparagraphs
 2 (A) through (D) as clause (i) through (iv),
 3 respectively, and indenting appropriately;

4 (ii) in the matter preceding clause (i)
 5 (as redesignated), by striking “The term”
 6 and inserting the following:

7 “(A) IN GENERAL.—The term”; and

8 (iii) by adding at the end the fol-
 9 lowing:

10 “(B) CALCULATION.—For the purpose of
 11 calculating the percentage described in subpara-
 12 graph (A)(iii), payments described under sub-
 13 section (c)(1) shall not be included.”;

14 (D) in paragraph (5)(A) (as redesignated),
 15 by striking “Code of Federal Regulation” and
 16 inserting “Code of Federal Regulations”; and

17 (E) by adding at the end the following:

18 “(8) MEDIUM-SIZED DONOR PORT.—The term
 19 ‘medium-sized donor port’ means a port—

20 “(A) that is subject to the harbor mainte-
 21 nance fee under section 24.24 of title 19, Code
 22 of Federal Regulations (or a successor regula-
 23 tion);

24 “(B) at which the total amount of harbor
 25 maintenance taxes collected comprise annually

1 more than \$5,000,000 but less than
2 \$15,000,000 of the total funding of the Harbor
3 Maintenance Trust Fund established under sec-
4 tion 9505 of the Internal Revenue Code of
5 1986;

6 “(C) that received less than 25 percent of
7 the total amount of harbor maintenance taxes
8 collected at that port in the previous 5 fiscal
9 years; and

10 “(D) that is located in a State in which
11 more than 2,000,000 cargo containers were un-
12 loaded from or loaded onto vessels in fiscal year
13 2012.”;

14 (2) in subsection (b)—

15 (A) in paragraph (1), by striking “donor
16 ports” and inserting “donor ports, medium-
17 sized donor ports,”;

18 (B) in paragraph (2)—

19 (i) in subparagraph (A), by striking
20 “and” at the end; and

21 (ii) by striking subparagraph (B) and
22 inserting the following:

23 “(B) shall be made available to a port as
24 either a donor port, medium-sized donor port,
25 or an energy transfer port, and no port may re-

1 ceive amounts from more than 1 designation;
2 and

3 “(C) for donor ports and medium-sized
4 donor ports—

5 “(i) 50 percent of the funds shall be
6 equally divided between the eligible donor
7 ports as authorized by this section; and

8 “(ii) 50 percent of the funds shall be
9 divided between the eligible donor ports
10 and eligible medium-sized donor ports
11 based on the percentage of the total Har-
12 bor Maintenance Tax revenues generated
13 at each eligible donor port and medium-
14 sized donor port.”;

15 (3) in subsection (c), in the matter preceding
16 paragraph (1), by striking “donor port” and insert-
17 ing “donor port, a medium-sized donor port,”;

18 (4) by striking subsection (d) and inserting the
19 following:

20 “(d) ADMINISTRATION OF PAYMENTS.—

21 “(1) IN GENERAL.—If a donor port, a medium-
22 sized donor port, or an energy transfer port elects
23 to provide payments to importers or shippers under
24 subsection (c), the Secretary shall transfer to the
25 Commissioner of Customs and Border Protection the

1 amount that would otherwise be provided to the port
2 under this section that is equal to those payments
3 to provide the payments to the importers or shippers
4 of the discretionary cargo that is—

5 “(A) shipped through respective eligible
6 ports; and

7 “(B) most at risk of diversion to seaports
8 outside of the United States.

9 “(2) REQUIREMENT.—The Secretary, in con-
10 sultation with the eligible port, shall limit payments
11 to top importers or shippers through an eligible port,
12 as ranked by value of discretionary cargo.”; and

13 (5) in subsection (f)—

14 (A) by striking paragraph (1) and insert-
15 ing the following:

16 “(1) IN GENERAL.—If the total amounts made
17 available from the Harbor Maintenance Trust Fund
18 exceed the total amounts made available from the
19 Harbor Maintenance Trust Fund in fiscal year
20 2012, there is authorized to be appropriated to carry
21 out this section \$50,000,000 from the Harbor Main-
22 tenance Trust Fund.”;

23 (B) by striking paragraph (2) and insert-
24 ing the following:

“(2) DIVISION BETWEEN DONOR PORTS, MEDIUM-SIZED DONOR PORTS, AND ENERGY TRANSFER PORTS.—For each fiscal year, amounts made available to carry out this section shall be provided in equal amounts to—

“(A) donor ports and medium-sized donor ports; and

“(B) energy transfer ports.”; and

(C) by striking paragraph (3).

SEC. 2011. HARBOR DEEPENING.

(a) IN GENERAL.—Section 101(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “the date of enactment of this Act” and inserting “the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1193)”;

(2) in subparagraph (B), by striking “45 feet” and inserting “50 feet”; and

(3) in subparagraph (C), by striking “45 feet” and inserting “50 feet”.

(b) DEFINITION OF DEEP-DRAFT HARBOR.—Section 214(1) of the Water Resources Development Act of 1986

1 (33 U.S.C. 2241(1)) is amended by striking “45 feet” and
2 inserting “50 feet”.

3 **SEC. 2012. OPERATIONS AND MAINTENANCE OF INLAND**
4 **MISSISSIPPI RIVER PORTS.**

5 (a) DEFINITIONS.—In this section:

6 (1) INLAND MISSISSIPPI RIVER.—The term “in-
7 land Mississippi River” means the portion of the
8 Mississippi River that begins at the confluence of
9 the Minnesota River and ends at the confluence of
10 the Red River.

11 (2) SHALLOW DRAFT.—The term “shallow
12 draft” means a project that has a depth of less than
13 14 feet.

14 (b) DREDGING ACTIVITIES.—The Secretary shall
15 carry out dredging activities on shallow draft ports located
16 on the inland Mississippi River to the respective author-
17 ized widths and depths of those inland ports, as authorized
18 on the date of enactment of this Act.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—For each
20 fiscal year, there is authorized to be appropriated to the
21 Secretary to carry out this section \$25,000,000.

22 **SEC. 2013. IMPLEMENTATION GUIDANCE.**

23 Section 2102 of the Water Resources Reform and De-
24 velopment Act of 2014 (Public Law 113–121; 128 Stat.
25 1273) is amended by adding at the end the following:

1 “(d) GUIDANCE.—Not later than 90 days after the
2 date of enactment of the Water Resources Development
3 Act of 2016 the Secretary shall publish on the website of
4 the Corps of Engineers guidance on the implementation
5 of this section and the amendments made by this sec-
6 tion.”.

7 **SEC. 2014. REMOTE AND SUBSISTENCE HARBORS.**

8 Section 2006 of the Water Resources Development
9 Act of 2007 (33 U.S.C. 2242) is amended—

10 (1) in subsection (a)(3), by inserting “in which
11 the project is located or of a community that is lo-
12 cated in the region that is served by the project and
13 that will rely on the project” after “community”;
14 and

15 (2) in subsection (b)—

16 (A) in paragraph (1), by inserting “or of
17 a community that is located in the region to be
18 served by the project and that will rely on the
19 project” after “community”;

20 (B) in paragraph (4), by striking “local
21 population” and inserting “regional population
22 to be served by the project”; and

23 (C) in paragraph (5), by striking “commu-
24 nity” and inserting “local community or to a
25 community that is located in the region to be

1 served by the project and that will rely on the
2 project”.

3 **SEC. 2015. NON-FEDERAL INTEREST DREDGING AUTHOR-**
4 **ITY.**

5 (a) IN GENERAL.—The Secretary may permit a non-
6 Federal interest to carry out, for an authorized navigation
7 project (or a separable element of an authorized naviga-
8 tion project), such maintenance activities as are necessary
9 to ensure that the project is maintained to not less than
10 the minimum project dimensions.

11 (b) COST LIMITATIONS.—Except as provided in this
12 section and subject to the availability of appropriations,
13 the costs incurred by a non-Federal interest in performing
14 the maintenance activities described in subsection (a) shall
15 be eligible for reimbursement, not to exceed an amount
16 that is equal to the estimated Federal cost for the per-
17 formance of the maintenance activities.

18 (c) AGREEMENT.—Before initiating maintenance ac-
19 tivities under this section, the non-Federal interest shall
20 enter into an agreement with the Secretary that specifies,
21 for the performance of the maintenance activities, the
22 terms and conditions that are acceptable to the non-Fed-
23 eral interest and the Secretary.

1 (d) PROVISION OF EQUIPMENT.—In carrying out
2 maintenance activities under this section, a non-Federal
3 interest shall—

4 (1) provide equipment at no cost to the Federal
5 Government; and

6 (2) hold and save the United States free from
7 any and all damage that arises from the use of the
8 equipment of the non-Federal interest, except for
9 damage due to the fault or negligence of a con-
10 tractor of the Federal Government.

11 (e) REIMBURSEMENT ELIGIBILITY LIMITATIONS.—
12 Costs that are eligible for reimbursement under this sec-
13 tion are those costs directly related to the costs associated
14 with operation and maintenance of the dredge based on
15 the lesser of the period of time for which—

16 (1) the dredge is being used in the performance
17 of work for the Federal Government during a given
18 fiscal year; and

19 (2) the actual fiscal year Federal appropriations
20 identified for that portion of maintenance dredging
21 that are made available.

22 (f) AUDIT.—Not earlier than 5 years after the date
23 of enactment of this Act, the Secretary may conduct an
24 audit on any maintenance activities for an authorized
25 navigation project (or a separable element of an author-

1 ized navigation project) carried out under this section to
 2 determine if permitting a non-Federal interest to carry out
 3 maintenance activities under this section has resulted in—

4 (1) improved reliability and safety for naviga-
 5 tion; and

6 (2) cost savings to the Federal Government.

7 (g) TERMINATION OF AUTHORITY.—The authority of
 8 the Secretary under this section terminates on the date
 9 that is 10 years after the date of enactment of this Act.

10 **SEC. 2016. TRANSPORTATION COST SAVINGS.**

11 Section 210(e)(3) of the Water Resources Develop-
 12 ment Act of 1986 (33 U.S.C. 2238(e)(3)) is amended—

13 (1) by redesignating subparagraph (B) as sub-
 14 paragraph (C); and

15 (2) by inserting after subparagraph (A) the fol-
 16 lowing:

17 “(B) ADDITIONAL REQUIREMENT.—For
 18 the first report following the date of enactment
 19 of the Water Resources Development Act of
 20 2016, in the report submitted under subpara-
 21 graph (A), the Secretary shall identify, to the
 22 maximum extent practicable, transportation
 23 cost savings realized by achieving and maintain-
 24 ing the constructed width and depth for the

1 harbors and inland harbors referred to in sub-
2 section (a)(2), on a project-by-project basis.”.

3 **SEC. 2017. DREDGED MATERIAL.**

4 (a) IN GENERAL.—Notwithstanding part 335 of title
5 33, Code of Federal Regulations, the Secretary may place
6 dredged material from the operation and maintenance of
7 an authorized Federal water resources project at another
8 authorized water resource project if the Secretary deter-
9 mines that—

10 (1) the placement of the dredged material
11 would—

12 (A)(i) enhance protection from flooding
13 caused by storm surges or sea level rise; or

14 (ii) significantly contribute to shoreline re-
15 siliency, including the resilience and restoration
16 of wetland; and

17 (B) be in the public interest; and

18 (2) the cost associated with the placement of
19 the dredged material is reasonable in relation to the
20 associated environmental, flood protection, and resil-
21 iency benefits.

22 (b) ADDITIONAL COSTS.—If the cost of placing the
23 dredged material at another authorized water resource
24 project exceeds the cost of depositing the dredged material
25 in accordance with the Federal standard (as defined in

1 section 335.7 of title 33, Code of Federal Regulations (as
2 in effect on the date of enactment of this Act)), the Sec-
3 retary shall not require a non-Federal entity to bear any
4 of the increased costs associated with the placement of the
5 dredged material.

6 **SEC. 2018. GREAT LAKES NAVIGATION SYSTEM.**

7 Section 210(d)(1) of the Water Resources Develop-
8 ment Act of 1986 (33 U.S.C. 2238(d)(1)) is amended—

9 (1) in subparagraph (A), in the matter pre-
10 ceding clause (i), by striking “For each of fiscal
11 years 2015 through 2024” and inserting “For each
12 fiscal year”; and

13 (2) in subparagraph (B), in the matter pre-
14 ceding clause (i), by striking “For each of fiscal
15 years 2015 through 2024” and inserting “For each
16 fiscal year”.

17 **SEC. 2019. HARBOR MAINTENANCE TRUST FUND.**

18 The Secretary shall allocate funding made available
19 to the Secretary from the Harbor Maintenance Trust
20 Fund, established under section 9505 of the Internal Rev-
21 enue Code of 1986, in accordance with section 210 of the
22 Water Resources Development Act of 1986 (33 U.S.C.
23 2238).

TITLE III—SAFETY IMPROVEMENTS

SEC. 3001. REHABILITATION ASSISTANCE FOR NON-FED- ERAL FLOOD CONTROL PROJECTS.

(a) IN GENERAL.—Section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), is amended—

(1) in subsection (a), by adding at the end the following:

“(3) DEFINITION OF NONSTRUCTURAL ALTERNATIVES.—In this subsection, ‘nonstructural alternatives’ includes efforts to restore or protect natural resources including streams, rivers, floodplains, wetlands, or coasts, if those efforts will reduce flood risk.”; and

(2) by adding at the end the following:

“(d) INCREASED LEVEL OF PROTECTION.—In conducting repair or restoration work under subsection (a), at the request of the non-Federal sponsor, the Secretary may increase the level of protection above the level to which the system was designed, or, if the repair and rehabilitation includes repair or rehabilitation of a pumping station, will increase the capacity of a pump, if—

“(1) the Chief of Engineers determines the improvements are in the public interest, including consideration of whether—

1 “(A) the authority under this section has
2 been used more than once at the same location;

3 “(B) there is an opportunity to decrease
4 significantly the risk of loss of life and property
5 damage; or

6 “(C) there is an opportunity to decrease
7 total life cycle rehabilitation costs for the
8 project; and

9 “(2) the non-Federal sponsor agrees to pay the
10 difference between the cost of repair, restoration, or
11 rehabilitation to the original design level or original
12 capacity and the cost of achieving the higher level of
13 protection or capacity sought by the non-Federal
14 sponsor.

15 “(e) NOTICE.—The Secretary shall notify the non-
16 Federal sponsor of the opportunity to request implementa-
17 tion of nonstructural alternatives to the repair or restora-
18 tion of the flood control work under subsection (a).”.

19 (b) PROJECTS IN COORDINATION WITH CERTAIN RE-
20 HABILITATION REQUIREMENTS.—

21 (1) IN GENERAL.—In any case in which the
22 Secretary has completed a study determining a
23 project for flood damage reduction is feasible and
24 such project is designed to protect the same geo-
25 graphic area as work to be performed under section

1 5(c) of the Act of August 18, 1941 (33 U.S.C.
 2 701n(e)), the Secretary may, if the Secretary deter-
 3 mines that the action is in the public interest, carry
 4 out such project with the work being performed
 5 under section 5(c) of that Act, subject to the limita-
 6 tions in paragraph (2).

7 (2) COST-SHARING.—The cost to carry out a
 8 project under paragraph (1) shall be shared in ac-
 9 cordance with section 103 of the Water Resources
 10 Development Act of 1986 (33 U.S.C. 2213).

11 **SEC. 3002. REHABILITATION OF EXISTING LEVEES.**

12 Section 3017 of the Water Resources Reform and De-
 13 velopment Act of 2014 (33 U.S.C. 3303a note; Public Law
 14 113–121) is amended—

15 (1) in subsection (a), by striking “if the Sec-
 16 retary determines the necessary work is technically
 17 feasible, environmentally acceptable, and economi-
 18 cally justified”;

19 (2) in subsection (b)—

20 (A) by striking “This section” and insert-
 21 ing the following:

22 “(1) IN GENERAL.—This section”; and

23 (B) by adding at the end the following:

24 “(2) REQUIREMENT.—A measure carried out
 25 under subsection (a) shall be implemented in the

1 same manner as the repair or restoration of a flood
 2 control work pursuant to section 5 of the Act of Au-
 3 gust 18, 1941 (33 U.S.C. 701n).”;

4 (3) in subsection (c)(1), by striking “The non-
 5 Federal” and inserting “Notwithstanding subsection
 6 (b)(2), the non-Federal”; and

7 (4) by adding at the end the following:

8 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 9 is authorized to be appropriated to the Secretary to carry
 10 out this section \$125,000,000.”.

11 **SEC. 3003. MAINTENANCE OF HIGH RISK FLOOD CONTROL**
 12 **PROJECTS.**

13 In any case in which the Secretary has assumed, as
 14 of the date of enactment of this Act, responsibility for the
 15 maintenance of a project classified as class III under the
 16 Dam Safety Action Classification of the Corps of Engi-
 17 neers, the Secretary shall continue to be responsible for
 18 the maintenance until the earlier of the date that—

19 (1) the project is modified to reduce that risk
 20 and the Secretary determines that the project is no
 21 longer classified as class III under the Dam Safety
 22 Action Classification of the Corps of Engineers; or

23 (2) is 15 years after the date of enactment of
 24 this Act.

1 **SEC. 3004. REHABILITATION OF HIGH HAZARD POTENTIAL**
 2 **DAMS.**

3 (a) DEFINITIONS.—Section 2 of the National Dam
 4 Safety Program Act (33 U.S.C. 467) is amended—

5 (1) by redesignating paragraphs (4), (5), (6),
 6 (7), (8), (9), (10), (11), (12), and (13) as para-
 7 graphs (5), (6), (7), (8), (9), (11), (13), (14), (15),
 8 and (16), respectively;

9 (2) by inserting after paragraph (3) the fol-
 10 lowing:

11 “(4) ELIGIBLE HIGH HAZARD POTENTIAL
 12 DAM.—

13 “(A) IN GENERAL.—The term ‘eligible
 14 high hazard potential dam’ means a non-Fed-
 15 eral dam that—

16 “(i) is located in a State with a State
 17 dam safety program;

18 “(ii) is classified as ‘high hazard po-
 19 tential’ by the State dam safety agency in
 20 the State in which the dam is located;

21 “(iii) has an emergency action plan
 22 approved by the relevant State dam safety
 23 agency; and

24 “(iv) the State in which the dam is lo-
 25 cated determines—

1 “(I) fails to meet minimum dam
2 safety standards of the State; and

3 “(II) poses an unacceptable risk
4 to the public.

5 “(B) EXCLUSION.—The term ‘eligible high
6 hazard potential dam’ does not include—

7 “(i) a licensed hydroelectric dam; or

8 “(ii) a dam built under the authority
9 of the Secretary of Agriculture.”;

10 (3) by inserting after paragraph (9) (as redesignated
11 by paragraph (1)) the following:

12 “(10) NON-FEDERAL SPONSOR.—The term
13 ‘non-Federal sponsor’, in the case of a project receiving
14 assistance under section 8A, includes—

15 “(A) a governmental organization; and

16 “(B) a nonprofit organization.” and

17 (4) by inserting after paragraph (11) (as redesignated
18 by paragraph (1)) the following:

19 “(12) REHABILITATION.—The term ‘rehabilitation’ means the repair,
20 replacement, reconstruction,
21 or removal of a dam that is carried out to meet applicable
22 State dam safety and security standards.”.

23 (b) PROGRAM FOR REHABILITATION OF HIGH HAZARD
24 POTENTIAL DAMS.—The National Dam Safety Pro-

1 gram Act is amended by inserting after section 8 (33
2 U.S.C. 467f) the following:

3 **“SEC. 8A. REHABILITATION OF HIGH HAZARD POTENTIAL**
4 **DAMS.**

5 “(a) ESTABLISHMENT OF PROGRAM.—The Adminis-
6 trator shall establish, within FEMA, a program to provide
7 technical, planning, design, and construction assistance in
8 the form of grants to non-Federal sponsors for rehabilita-
9 tion of eligible high hazard potential dams.

10 “(b) ELIGIBLE ACTIVITIES.—A grant awarded under
11 this section for a project may be used for—

12 “(1) repair;

13 “(2) removal; or

14 “(3) any other structural or nonstructural
15 measures to rehabilitate a high hazard potential
16 dam.

17 “(c) AWARD OF GRANTS.—

18 “(1) APPLICATION.—

19 “(A) IN GENERAL.—A non-Federal spon-
20 sor interested in receiving a grant under this
21 section may submit to the Administrator an ap-
22 plication for the grant.

23 “(B) REQUIREMENTS.—An application
24 submitted to the Administrator under this sec-
25 tion shall be submitted at such time, be in such

1 form, and contain such information as the Ad-
2 ministrator may prescribe by regulation pursu-
3 ant to section 3004(c) of the Water Resources
4 Development Act of 2016.

5 “(2) GRANT.—

6 “(A) IN GENERAL.—The Administrator
7 may make a grant in accordance with this sec-
8 tion for rehabilitation of a high hazard potential
9 dam to a non-Federal sponsor that submits an
10 application for the grant in accordance with the
11 regulations prescribed by the Administrator.

12 “(B) PROJECT GRANT AGREEMENT.—The
13 Administrator shall enter into a project grant
14 agreement with the non-Federal sponsor to es-
15 tablish the terms of the grant and the project,
16 including the amount of the grant.

17 “(C) GRANT ASSURANCE.—As part of a
18 project grant agreement under subparagraph
19 (B), the Administrator shall require the non-
20 Federal sponsor to provide an assurance, with
21 respect to the dam to be rehabilitated under the
22 project, that the owner of the dam has devel-
23 oped and will carry out a plan for maintenance
24 of the dam during the expected life of the dam.

1 “(D) LIMITATION.—A grant provided
2 under this section shall not exceed the lesser
3 of—

4 “(i) 12.5 percent of the total amount
5 of funds made available to carry out this
6 section; or

7 “(ii) \$7,500,000.

8 “(d) REQUIREMENTS.—

9 “(1) APPROVAL.—A grant awarded under this
10 section for a project shall be approved by the rel-
11 evant State dam safety agency.

12 “(2) NON-FEDERAL SPONSOR REQUIRE-
13 MENTS.—To receive a grant under this section, the
14 non-Federal sponsor shall—

15 “(A) participate in, and comply with, all
16 applicable Federal flood insurance programs;

17 “(B) have in place a hazard mitigation
18 plan that—

19 “(i) includes all dam risks; and

20 “(ii) complies with the Disaster Miti-
21 gation Act of 2000 (Public Law 106–390;
22 114 Stat. 1552);

23 “(C) commit to provide operation and
24 maintenance of the project for the 50-year pe-
25 riod following completion of rehabilitation;

1 “(D) comply with such minimum eligibility
2 requirements as the Administrator may estab-
3 lish to ensure that each owner and operator of
4 a dam under a participating State dam safety
5 program—

6 “(i) acts in accordance with the State
7 dam safety program; and

8 “(ii) carries out activities relating to
9 the public in the area around the dam in
10 accordance with the hazard mitigation plan
11 described in subparagraph (B); and

12 “(E) comply with section 611(j)(9) of the
13 Robert T. Stafford Disaster Relief and Emer-
14 gency Assistance Act (42 U.S.C. 5196(j)(9))
15 (as in effect on the date of enactment of this
16 section) with respect to projects receiving as-
17 sistance under this section in the same manner
18 as recipients are required to comply in order to
19 receive financial contributions from the Admin-
20 istrator for emergency preparedness purposes.

21 “(e) FLOODPLAIN MANAGEMENT PLANS.—

22 “(1) IN GENERAL.—As a condition of receipt of
23 assistance under this section, the non-Federal entity
24 shall demonstrate that a floodplain management

1 plan to reduce the impacts of future flood events in
2 the area protected by the project—

3 “(A) is in place; or

4 “(B) will be—

5 “(i) developed not later than 1 year
6 after the date of execution of a project
7 agreement for assistance under this sec-
8 tion; and

9 “(ii) implemented not later than 1
10 year after the date of completion of con-
11 struction of the project.

12 “(2) INCLUSIONS.—A plan under paragraph (1)
13 shall address—

14 “(A) potential measures, practices, and
15 policies to reduce loss of life, injuries, damage
16 to property and facilities, public expenditures,
17 and other adverse impacts of flooding in the
18 area protected by the project;

19 “(B) plans for flood fighting and evacu-
20 ation; and

21 “(C) public education and awareness of
22 flood risks.

23 “(3) TECHNICAL SUPPORT.—The Administrator
24 may provide technical support for the development

1 and implementation of floodplain management plans
2 prepared under this subsection.

3 “(f) PRIORITY SYSTEM.—The Administrator, in con-
4 sultation with the Board, shall develop a risk-based pri-
5 ority system for use in identifying high hazard potential
6 dams for which grants may be made under this section.

7 “(g) FUNDING.—

8 “(1) COST SHARING.—

9 “(A) IN GENERAL.—Any assistance pro-
10 vided under this section for a project shall be
11 subject to a non-Federal cost-sharing require-
12 ment of not less than 35 percent.

13 “(B) IN-KIND CONTRIBUTIONS.—The non-
14 Federal share under subparagraph (A) may be
15 provided in the form of in-kind contributions.

16 “(2) ALLOCATION OF FUNDS.—The total
17 amount of funds made available to carry out this
18 section for each fiscal year shall be distributed as
19 follows:

20 “(A) EQUAL DISTRIBUTION.— $\frac{1}{3}$ shall be
21 distributed equally among the States in which
22 the projects for which applications are sub-
23 mitted under subsection (c)(1) are located.

24 “(B) NEED-BASED.— $\frac{2}{3}$ shall be distrib-
25 uted among the States in which the projects for

1 which applications are submitted under sub-
 2 section (c)(1) are located based on the propor-
 3 tion that—

4 “(i) the number of eligible high haz-
 5 ard potential dams in the State; bears to

6 “(ii) the number of eligible high haz-
 7 ard potential dams in all States in which
 8 projects for which applications are sub-
 9 mitted under subsection (c)(1).

10 “(h) USE OF FUNDS.—None of the funds provided
 11 in the form of a grant or otherwise made available under
 12 this section shall be used—

13 “(1) to rehabilitate a Federal dam;

14 “(2) to perform routine operation or mainte-
 15 nance of a dam;

16 “(3) to modify a dam to produce hydroelectric
 17 power;

18 “(4) to increase water supply storage capacity;
 19 or

20 “(5) to make any other modification to a dam
 21 that does not also improve the safety of the dam.

22 “(i) CONTRACTUAL REQUIREMENTS.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
 24 as a condition on the receipt of a grant under this
 25 section of an amount greater than \$1,000,000, a

1 non-Federal sponsor that receives the grant shall re-
2 quire that each contract and subcontract for pro-
3 gram management, construction management, plan-
4 ning studies, feasibility studies, architectural serv-
5 ices, preliminary engineering, design, engineering,
6 surveying, mapping, and related services entered
7 into using funds from the grant be awarded in the
8 same manner as a contract for architectural and en-
9 gineering services is awarded under—

10 “(A) chapter 11 of title 40, United States
11 Code; or

12 “(B) an equivalent qualifications-based re-
13 quirement prescribed by the relevant State.

14 “(2) NO PROPRIETARY INTEREST.—A contract
15 awarded in accordance with paragraph (1) shall not
16 be considered to confer a proprietary interest upon
17 the United States.

18 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this sec-
20 tion—

21 “(1) \$10,000,000 for fiscal years 2017 and
22 2018;

23 “(2) \$25,000,000 for fiscal year 2019;

24 “(3) \$40,000,000 for fiscal year 2020; and

1 “(4) \$60,000,000 for each of fiscal years 2021
2 through 2026.”.

3 (c) RULEMAKING.—

4 (1) PROPOSED RULEMAKING.—Not later than
5 90 days after the date of enactment of this Act, the
6 Administrator of the Federal Emergency Manage-
7 ment Agency shall issue a notice of proposed rule-
8 making regarding applications for grants of assist-
9 ance under the amendments made by subsection (b)
10 to the National Dam Safety Program Act (33
11 U.S.C. 467 et seq.).

12 (2) FINAL RULE.—Not later than 180 days
13 after the date of enactment of this Act, the Adminis-
14 trator of the Federal Emergency Management Agen-
15 cy shall promulgate a final rule regarding the
16 amendments described in paragraph (1).

17 **SEC. 3005. EXPEDITED COMPLETION OF AUTHORIZED**
18 **PROJECTS FOR FLOOD DAMAGE REDUCTION.**

19 The Secretary shall expedite the completion of the
20 following projects for flood damage reduction and flood
21 risk management:

22 (1) Chicagoland Underflow Plan, Illinois, phase
23 2, as authorized by section 3(a)(5) of the Water Re-
24 sources Development Act of 1988 (Public Law 100–
25 676; 102 Stat. 4013) and modified by section 319

1 of the Water Resources Development Act of 1996
2 (Public Law 104–303; 110 Stat. 3715) and section
3 501 of the Water Resources Development Act of
4 1999 (Public Law 106–53; 113 Stat. 334).

5 (2) Cedar River, Cedar Rapids, Iowa, as au-
6 thorized by section 7002(2)(3) of the Water Re-
7 sources Development Act of 2014 (Public Law 113–
8 121; 128 Stat. 1366).

9 (3) Comite River, Louisiana, authorized as part
10 of the project for flood control, Amite River and
11 Tributaries, Louisiana, by section 101(11) of the
12 Water Resources Development Act of 1992 (Public
13 Law 102–580; 106 Stat. 4802) and modified by sec-
14 tion 301(b)(5) of the Water Resources Development
15 Act of 1996 (Public Law 104–03; 110 Stat. 3709)
16 and section 371 of the Water Resources Develop-
17 ment Act of 1999 (Public Law 106–53; 113 Stat.
18 321).

19 (4) Amite River and Tributaries, Louisiana,
20 East Baton Rouge Parish Watershed, as authorized
21 by section 101(a)(21) of the Water Resources Devel-
22 opment Act of 1999 (Public Law 106–53; 113 Stat.
23 277) and modified by section 116 of division D of
24 Public Law 108–7 (117 Stat. 140) and section 3074

1 of the Water Resources Development Act of 2007
2 (Public Law 110–114; 121 Stat. 1124).

3 **SEC. 3006. CUMBERLAND RIVER BASIN DAM REPAIRS.**

4 (a) IN GENERAL.—Costs incurred in carrying out
5 any repair to correct a seepage problem at any dam in
6 the Cumberland River Basin shall be—

7 (1) treated as costs for a dam safety project;
8 and

9 (2) subject to cost-sharing requirements in ac-
10 cordance with section 1203 of the Water Resources
11 Development Act of 1986 (33 U.S.C. 467n).

12 (b) APPLICATION.—Subsection (a) shall apply only to
13 repairs for projects for which construction has not begun
14 and appropriations have not been made as of the date of
15 enactment of this Act.

16 **SEC. 3007. INDIAN DAM SAFETY.**

17 (a) DEFINITIONS.—In this section:

18 (1) DAM.—

19 (A) IN GENERAL.—The term “dam” has
20 the meaning given the term in section 2 of the
21 National Dam Safety Program Act (33 U.S.C.
22 467).

23 (B) INCLUSIONS.—The term “dam” in-
24 cludes any structure, facility, equipment, or ve-

1 hicle used in connection with the operation of a
2 dam.

3 (2) FUND.—The term “Fund” means, as appli-
4 cable—

5 (A) the High-Hazard Indian Dam Safety
6 Deferred Maintenance Fund established by sub-
7 section (b)(1)(A); or

8 (B) the Low-Hazard Indian Dam Safety
9 Deferred Maintenance Fund established by sub-
10 section (b)(2)(A).

11 (3) HIGH HAZARD POTENTIAL DAM.—The term
12 “high hazard potential dam” means a dam assigned
13 to the significant or high hazard potential classifica-
14 tion under the guidelines published by the Federal
15 Emergency Management Agency entitled “Federal
16 Guidelines for Dam Safety: Hazard Potential Classi-
17 fication System for Dams” (FEMA Publication
18 Number 333).

19 (4) INDIAN TRIBE.—The term “Indian tribe”
20 has the meaning given the term in section 4 of the
21 Indian Self-Determination and Education Assistance
22 Act (25 U.S.C. 5304).

23 (5) LOW HAZARD POTENTIAL DAM.—The term
24 “low hazard potential dam” means a dam assigned
25 to the low hazard potential classification under the

1 guidelines published by the Federal Emergency
 2 Management Agency entitled “Federal Guidelines
 3 for Dam Safety: Hazard Potential Classification
 4 System for Dams” (FEMA Publication Number
 5 333).

6 (6) SECRETARY.—The term “Secretary” means
 7 the Secretary of the Interior, acting through the As-
 8 sistant Secretary for Indian Affairs, in consultation
 9 with the Secretary of the Army.

10 (b) INDIAN DAM SAFETY DEFERRED MAINTENANCE
 11 FUNDS.—

12 (1) HIGH-HAZARD FUND.—

13 (A) ESTABLISHMENT.—There is estab-
 14 lished in the Treasury of the United States a
 15 fund, to be known as the “High-Hazard Indian
 16 Dam Safety Deferred Maintenance Fund”, con-
 17 sisting of—

18 (i) such amounts as are deposited in
 19 the Fund under subparagraph (B); and

20 (ii) any interest earned on investment
 21 of amounts in the Fund under subpara-
 22 graph (D).

23 (B) DEPOSITS TO FUND.—

24 (i) IN GENERAL.—For each of fiscal
 25 years 2017 through 2037, the Secretary of

1 the Treasury shall deposit in the Fund
 2 \$22,750,000 from the general fund of the
 3 Treasury.

4 (ii) AVAILABILITY OF AMOUNTS.—
 5 Amounts deposited in the Fund under
 6 clause (i) shall be used, subject to appro-
 7 priation, to carry out this section.

8 (C) EXPENDITURES FROM FUND.—

9 (i) IN GENERAL.—Subject to clause
 10 (ii), for each of fiscal years 2017 through
 11 2037, the Secretary may, to the extent
 12 provided in advance in appropriations Acts,
 13 expend from the Fund, in accordance with
 14 this section, not more than the sum of—

15 (I) \$22,750,000; and

16 (II) the amount of interest ac-
 17 crued in the Fund.

18 (ii) ADDITIONAL EXPENDITURES.—
 19 The Secretary may expend more than
 20 \$22,750,000 for any fiscal year referred to
 21 in clause (i) if the additional amounts are
 22 available in the Fund as a result of a fail-
 23 ure of the Secretary to expend all of the
 24 amounts available under clause (i) in 1 or
 25 more prior fiscal years.

1 (D) INVESTMENTS OF AMOUNTS.—

2 (i) IN GENERAL.—The Secretary of
3 the Treasury shall invest such portion of
4 the Fund as is not, in the judgment of the
5 Secretary, required to meet current with-
6 draws.

7 (ii) CREDITS TO FUND.—The interest
8 on, and the proceeds from the sale or re-
9 demption of, any obligations held in the
10 Fund shall be credited to, and form a part
11 of, the Fund.

12 (E) TRANSFERS OF AMOUNTS.—

13 (i) IN GENERAL.—The amounts re-
14 quired to be transferred to the Fund under
15 this paragraph shall be transferred at least
16 monthly.

17 (ii) ADJUSTMENTS.—Proper adjust-
18 ment shall be made in amounts subse-
19 quently transferred to the extent prior esti-
20 mates are in excess of or less than the
21 amounts required to be transferred.

22 (F) TERMINATION.—On September 30,
23 2037—

24 (i) the Fund shall terminate; and

1 (ii) the unexpended and unobligated
2 balance of the Fund shall be transferred to
3 the general fund of the Treasury.

4 (2) LOW-HAZARD FUND.—

5 (A) ESTABLISHMENT.—There is estab-
6 lished in the Treasury of the United States a
7 fund, to be known as the “Low-Hazard Indian
8 Dam Safety Deferred Maintenance Fund”, con-
9 sisting of—

10 (i) such amounts as are deposited in
11 the Fund under subparagraph (B); and

12 (ii) any interest earned on investment
13 of amounts in the Fund under subpara-
14 graph (D).

15 (B) DEPOSITS TO FUND.—

16 (i) IN GENERAL.—For each of fiscal
17 years 2017 through 2037, the Secretary of
18 the Treasury shall deposit in the Fund
19 \$10,000,000 from the general fund of the
20 Treasury.

21 (ii) AVAILABILITY OF AMOUNTS.—
22 Amounts deposited in the Fund under
23 clause (i) shall be used, subject to appro-
24 priation, to carry out this section.

25 (C) EXPENDITURES FROM FUND.—

(i) IN GENERAL.—Subject to clause (ii), for each of fiscal years 2017 through 2037, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of—

(I) \$10,000,000; and

(II) the amount of interest accrued in the Fund.

(ii) ADDITIONAL EXPENDITURES.—The Secretary may expend more than \$10,000,000 for any fiscal year referred to in clause (i) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under clause (i) in 1 or more prior fiscal years.

(D) INVESTMENTS OF AMOUNTS.—

(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(ii) CREDITS TO FUND.—The interest on, and the proceeds from the sale or re-

1 demption of, any obligations held in the
2 Fund shall be credited to, and form a part
3 of, the Fund.

4 (E) TRANSFERS OF AMOUNTS.—

5 (i) IN GENERAL.—The amounts re-
6 quired to be transferred to the Fund under
7 this paragraph shall be transferred at least
8 monthly.

9 (ii) ADJUSTMENTS.—Proper adjust-
10 ment shall be made in amounts subse-
11 quently transferred to the extent prior esti-
12 mates are in excess of or less than the
13 amounts required to be transferred.

14 (F) TERMINATION.—On September 30,
15 2037—

16 (i) the Fund shall terminate; and

17 (ii) the unexpended and unobligated
18 balance of the Fund shall be transferred to
19 the general fund of the Treasury.

20 (c) REPAIR, REPLACEMENT, AND MAINTENANCE OF
21 CERTAIN INDIAN DAMS.—

22 (1) PROGRAM ESTABLISHMENT.—

23 (A) IN GENERAL.—The Secretary shall es-
24 tablish a program to address the deferred main-
25 tenance needs of Indian dams that—

1 (i) create flood risks or other risks to
2 public or employee safety or natural or cul-
3 tural resources; and

4 (ii) unduly impede the management
5 and efficiency of Indian dams.

6 (B) FUNDING.—

7 (i) HIGH-HAZARD FUND.—Consistent
8 with subsection (b)(1)(B), the Secretary
9 shall use or transfer to the Bureau of In-
10 dian Affairs not less than \$22,750,000 of
11 amounts in the High-Hazard Indian Dam
12 Safety Deferred Maintenance Fund, plus
13 accrued interest, for each of fiscal years
14 2017 through 2037 to carry out mainte-
15 nance, repair, and replacement activities
16 for 1 or more of the Indian dams described
17 in paragraph (2)(A).

18 (ii) LOW-HAZARD FUND.—Consistent
19 with subsection (b)(2)(B), the Secretary
20 shall use or transfer to the Bureau of In-
21 dian Affairs not less than \$10,000,000 of
22 amounts in the Low-Hazard Indian Dam
23 Safety Deferred Maintenance Fund, plus
24 accrued interest, for each of fiscal years
25 2017 through 2037 to carry out mainte-

1 nance, repair, and replacement activities
2 for 1 or more of the Indian dams described
3 in paragraph (2)(B).

4 (C) COMPLIANCE WITH DAM SAFETY POLI-
5 CIES.—Maintenance, repair, and replacement
6 activities for Indian dams under this section
7 shall be carried out in accordance with the dam
8 safety policies of the Director of the Bureau of
9 Indian Affairs established to carry out the In-
10 dian Dams Safety Act of 1994 (25 U.S.C. 3801
11 et seq.).

12 (2) ELIGIBLE DAMS.—

13 (A) HIGH HAZARD POTENTIAL DAMS.—
14 The dams eligible for funding under paragraph
15 (1)(B)(i) are Indian high hazard potential dams
16 in the United States that—

17 (i) are included in the safety of dams
18 program established pursuant to the In-
19 dian Dams Safety Act of 1994 (25 U.S.C.
20 3801 et seq.); and

21 (ii)(I)(aa) are owned by the Federal
22 Government, as listed in the Federal inven-
23 tory required by Executive Order 13327
24 (40 U.S.C. 121 note; relating to Federal
25 real property asset management); and

1 (bb) are managed by the Bureau
2 of Indian Affairs (including dams
3 managed under contracts or compacts
4 pursuant to the Indian Self-Deter-
5 mination and Education Assistance
6 Act (25 U.S.C. 5301 et seq.)); or

7 (II) have deferred maintenance docu-
8 mented by the Bureau of Indian Affairs.

9 (B) LOW HAZARD POTENTIAL DAMS.—The
10 dams eligible for funding under paragraph
11 (1)(B)(ii) are Indian low hazard potential dams
12 in the United States that, on the date of enact-
13 ment of this Act—

14 (i) are covered under the Indian
15 Dams Safety Act of 1994 (25 U.S.C. 3801
16 et seq.); and

17 (ii)(I)(aa) are owned by the Federal
18 Government, as listed in the Federal inven-
19 tory required by Executive Order 13327
20 (40 U.S.C. 121 note; relating to Federal
21 real property asset management); and

22 (bb) are managed by the Bureau
23 of Indian Affairs (including dams
24 managed under contracts or compacts
25 pursuant to the Indian Self-Deter-

mination and Education Assistance
Act (25 U.S.C. 5301 et seq.)); or

(II) have deferred maintenance documented by the Bureau of Indian Affairs.

(3) REQUIREMENTS AND CONDITIONS.—Not later than 120 days after the date of enactment of this Act and as a precondition to amounts being expended from the Fund to carry out this subsection, the Secretary, in consultation with representatives of affected Indian tribes, shall develop and submit to Congress—

(A) programmatic goals to carry out this subsection that—

(i) would enable the completion of repairing, replacing, improving, or performing maintenance on Indian dams as expeditiously as practicable, subject to the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.);

(ii) facilitate or improve the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating an Indian dam; and

1 (iii) ensure that the results of govern-
2 ment-to-government consultation required
3 under paragraph (4) be addressed; and

4 (B) funding prioritization criteria to serve
5 as a methodology for distributing funds under
6 this subsection that take into account—

7 (i) the extent to which deferred main-
8 tenance of Indian dams poses a threat
9 to—

10 (I) public or employee safety or
11 health;

12 (II) natural or cultural resources;
13 or

14 (III) the ability of the Bureau of
15 Indian Affairs to carry out the mis-
16 sion of the Bureau of Indian Affairs
17 in operating an Indian dam;

18 (ii) the extent to which repairing, re-
19 placing, improving, or performing mainte-
20 nance on an Indian dam will—

21 (I) improve public or employee
22 safety, health, or accessibility;

23 (II) assist in compliance with
24 codes, standards, laws, or other re-
25 quirements;

- 1 (III) address unmet needs; or
- 2 (IV) assist in protecting natural
- 3 or cultural resources;
- 4 (iii) the methodology of the rehabilita-
- 5 tion priority index of the Secretary, as in
- 6 effect on the date of enactment of this Act;
- 7 (iv) the potential economic benefits of
- 8 the expenditures on job creation and gen-
- 9 eral economic development in the affected
- 10 tribal communities;
- 11 (v) the ability of an Indian dam to ad-
- 12 dress tribal, regional, and watershed level
- 13 flood prevention needs;
- 14 (vi) the need to comply with the dam
- 15 safety policies of the Director of the Bu-
- 16 reau of Indian Affairs established to carry
- 17 out the Indian Dams Safety Act of 1994
- 18 (25 U.S.C. 3801 et seq.);
- 19 (vii) the ability of the water storage
- 20 capacity of an Indian dam to be increased
- 21 to prevent flooding in downstream tribal
- 22 and nontribal communities; and
- 23 (viii) such other factors as the Sec-
- 24 retary determines to be appropriate to
- 25 prioritize the use of available funds that

1 are, to the fullest extent practicable, con-
2 sistent with tribal and user recommenda-
3 tions received pursuant to the consultation
4 and input process under paragraph (4).

5 (4) TRIBAL CONSULTATION AND USER
6 INPUT.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (B), before expending funds on
9 an Indian dam pursuant to paragraph (1) and
10 not later than 60 days after the date of enact-
11 ment of this Act, the Secretary shall—

12 (i) consult with the Director of the
13 Bureau of Indian Affairs on the expendi-
14 ture of funds;

15 (ii) ensure that the Director of the
16 Bureau of Indian Affairs advises the In-
17 dian tribe that has jurisdiction over the
18 land on which a dam eligible to receive
19 funding under paragraph (2) is located on
20 the expenditure of funds; and

21 (iii) solicit and consider the input,
22 comments, and recommendations of the
23 landowners served by the Indian dam.

24 (B) EMERGENCIES.—If the Secretary de-
25 termines that an emergency circumstance exists

1 with respect to an Indian dam, subparagraph
2 (A) shall not apply with respect to that Indian
3 dam.

4 (5) ALLOCATION AMONG DAMS.—

5 (A) IN GENERAL.—Subject to subpara-
6 graph (B), to the maximum extent practicable,
7 the Secretary shall ensure that, for each of fis-
8 cal years 2017 through 2037, each Indian dam
9 eligible for funding under paragraph (2) that
10 has critical maintenance needs receives part of
11 the funding under paragraph (1) to address
12 critical maintenance needs.

13 (B) PRIORITY.—In allocating amounts
14 under paragraph (1)(B), in addition to consid-
15 ering the funding priorities described in para-
16 graph (3), the Secretary shall give priority to
17 Indian dams eligible for funding under para-
18 graph (2) that serve—

19 (i) more than 1 Indian tribe within an
20 Indian reservation; or

21 (ii) highly populated Indian commu-
22 nities, as determined by the Secretary.

23 (C) CAP ON FUNDING.—

24 (i) IN GENERAL.—Subject to clause
25 (ii), in allocating amounts under paragraph

1 (1)(B), the Secretary shall allocate not
 2 more than \$10,000,000 to any individual
 3 dam described in paragraph (2) during any
 4 consecutive 3-year period.

5 (ii) EXCEPTION.—Notwithstanding
 6 the cap described in clause (i), if the full
 7 amount under paragraph (1)(B) cannot be
 8 fully allocated to eligible Indian dams be-
 9 cause the costs of the remaining activities
 10 authorized in paragraph (1)(B) of an In-
 11 dian dam would exceed the cap described
 12 in clause (i), the Secretary may allocate
 13 the remaining funds to eligible Indian
 14 dams in accordance with this subsection.

15 (D) BASIS OF FUNDING.—Any amounts
 16 made available under this paragraph shall be
 17 nonreimbursable.

18 (E) APPLICABILITY OF ISDEAA.—The In-
 19 dian Self-Determination and Education Assist-
 20 ance Act (25 U.S.C. 5301 et seq.) shall apply
 21 to activities carried out under this paragraph.

22 (d) TRIBAL SAFETY OF DAMS COMMITTEE.—

23 (1) ESTABLISHMENT OF COMMITTEE.—

24 (A) ESTABLISHMENT.—The Secretary of
 25 the Interior shall establish within the Bureau of

1 Indian Affairs the Tribal Safety of Dams Com-
2 mittee (referred to in this paragraph as the
3 “Committee”).

4 (B) MEMBERSHIP.—

5 (i) COMPOSITION.—The Committee
6 shall be composed of 15 members, of
7 whom—

8 (I) 11 shall be appointed by the
9 Secretary of the Interior from among
10 individuals who, to the maximum ex-
11 tent practicable, have knowledge and
12 expertise in dam safety issues and
13 flood prevention and mitigation, of
14 whom not less than 1 shall be a mem-
15 ber of an Indian tribe in each of the
16 Bureau of Indian Affairs regions of—

17 (aa) the Northwest Region;

18 (bb) the Pacific Region;

19 (cc) the Western Region;

20 (dd) the Navajo Region;

21 (ee) the Southwest Region;

22 (ff) the Rocky Mountain Re-

23 gion;

24 (gg) the Great Plains Re-

25 gion; and

1 (hh) the Midwest Region;

2 (II) 2 shall be appointed by the
3 Secretary of the Interior from among
4 employees of the Bureau of Indian Af-
5 fairs who have knowledge and exper-
6 tise in dam safety issues and flood
7 prevention and mitigation;

8 (III) 1 shall be appointed by the
9 Secretary of the Interior from among
10 employees of the Bureau of Reclama-
11 tion who have knowledge and exper-
12 tise in dam safety issues and flood
13 prevention and mitigation; and

14 (IV) 1 shall be appointed by the
15 Secretary of the Army from among
16 employees of the Corps of Engineers
17 who have knowledge and expertise in
18 dam safety issues and flood preven-
19 tion and mitigation.

20 (ii) NONVOTING MEMBERS.—The
21 members of the Committee appointed
22 under subclauses (II) and (III) of clause
23 (i) shall be nonvoting members.

24 (iii) DATE.—The appointments of the
25 members of the Committee shall be made

1 as soon as practicable after the date of en-
2 actment of this Act.

3 (C) PERIOD OF APPOINTMENT.—Members
4 shall be appointed for the life of the Committee.

5 (D) VACANCIES.—Any vacancy in the
6 Committee shall not affect the powers of the
7 Committee, but shall be filled in the same man-
8 ner as the original appointment.

9 (E) INITIAL MEETING.—Not later than 30
10 days after the date on which all members of the
11 Committee have been appointed, the Committee
12 shall hold the first meeting.

13 (F) MEETINGS.—The Committee shall
14 meet at the call of the Chairperson.

15 (G) QUORUM.—A majority of the members
16 of the Committee shall constitute a quorum, but
17 a lesser number of members may hold hearings.

18 (H) CHAIRPERSON AND VICE CHAIR-
19 PERSON.—The Committee shall select a Chair-
20 person and Vice Chairperson from among the
21 members.

22 (2) DUTIES OF THE COMMITTEE.—

23 (A) STUDY.—The Committee shall conduct
24 a thorough study of all matters relating to the

1 modernization of the Indian Dams Safety Act
2 of 1994 (25 U.S.C. 3801 et seq.).

3 (B) RECOMMENDATIONS.—The Committee
4 shall develop recommendations for legislation to
5 improve the Indian Dams Safety Act of 1994
6 (25 U.S.C. 3801 et seq.).

7 (C) REPORT.—Not later than 1 year after
8 the date on which the Committee holds the first
9 meeting, the Committee shall submit a report
10 containing a detailed statement of the findings
11 and conclusions of the Committee, together
12 with recommendations for legislation that the
13 Committee considers appropriate, to—

14 (i) the Committee on Indian Affairs of
15 the Senate; and

16 (ii) the Committee on Natural Re-
17 sources of the House of Representatives.

18 (3) POWERS OF THE COMMITTEE.—

19 (A) HEARINGS.—The Committee may hold
20 such hearings, sit and act at such times and
21 places, take such testimony, and receive such
22 evidence as the Committee considers appro-
23 priate to carry out this paragraph.

24 (B) INFORMATION FROM FEDERAL AGEN-
25 CIES.—

1 (i) IN GENERAL.—The Committee
 2 may secure directly from any Federal de-
 3 partment or agency such information as
 4 the Committee considers necessary to carry
 5 out this paragraph.

6 (ii) REQUEST.—On request of the
 7 Chairperson of the Committee, the head of
 8 any Federal department or agency shall
 9 furnish information described in clause (i)
 10 to the Committee.

11 (C) POSTAL SERVICES.—The Committee
 12 may use the United States mails in the same
 13 manner and under the same conditions as other
 14 departments and agencies of the Federal Gov-
 15 ernment.

16 (D) GIFTS.—The Committee may accept,
 17 use, and dispose of gifts or donations of serv-
 18 ices or property.

19 (4) COMMITTEE PERSONNEL MATTERS.—

20 (A) COMPENSATION OF MEMBERS.—

21 (i) NON-FEDERAL MEMBERS.—Each
 22 member of the Committee who is not an
 23 officer or employee of the Federal Govern-
 24 ment shall be compensated at a rate equal
 25 to the daily equivalent of the annual rate

1 of basic pay prescribed for level IV of the
2 Executive Schedule under section 5315 of
3 title 5, United States Code, for each day
4 (including travel time) during which the
5 member is engaged in the performance of
6 the duties of the Committee.

7 (ii) FEDERAL MEMBERS.—Each mem-
8 ber of the Committee who is an officer or
9 employee of the Federal Government shall
10 serve without compensation in addition to
11 that received for services as an officer or
12 employee of the Federal Government.

13 (B) TRAVEL EXPENSES.—The members of
14 the Committee shall be allowed travel expenses,
15 including per diem in lieu of subsistence, at
16 rates authorized for employees of agencies
17 under subchapter I of chapter 57 of title 5,
18 United States Code, while away from their
19 homes or regular places of business in the per-
20 formance of services for the Committee.

21 (C) STAFF.—

22 (i) IN GENERAL.—

23 (I) APPOINTMENT.—The Chair-
24 person of the Committee may, without
25 regard to the civil service laws and

1 regulations, appoint and terminate an
2 executive director and such other ad-
3 ditional personnel as may be nec-
4 essary to enable the Committee to
5 perform the duties of the Committee.

6 (II) CONFIRMATION.—The em-
7 ployment of an executive director shall
8 be subject to confirmation by the
9 Committee.

10 (ii) COMPENSATION.—The Chair-
11 person of the Committee may fix the com-
12 pensation of the executive director and
13 other personnel without regard to chapter
14 51 and subchapter III of chapter 53 of
15 title 5, United States Code, relating to
16 classification of positions and General
17 Schedule pay rates, except that the rate of
18 pay for the executive director and other
19 personnel may not exceed the rate payable
20 for level V of the Executive Schedule under
21 section 5316 of that title.

22 (D) DETAIL OF GOVERNMENT EMPLOY-
23 EES.—Any Federal Government employee may
24 be detailed to the Committee without reim-
25 bursement, and such detail shall be without

1 interruption or loss of civil service status or
2 privilege.

3 (E) PROCUREMENT OF TEMPORARY AND
4 INTERMITTENT SERVICES.—The Chairperson of
5 the Committee may procure temporary and
6 intermittent services under section 3109(b) of
7 title 5, United States Code, at rates for individ-
8 uals that do not exceed the daily equivalent of
9 the annual rate of basic pay prescribed for level
10 V of the Executive Schedule under section 5316
11 of that title.

12 (5) TERMINATION OF THE COMMITTEE.—The
13 Committee shall terminate 90 days after the date on
14 which the Committee submits the report under para-
15 graph (2)(C).

16 (6) FUNDING.—Of the amounts authorized to
17 be expended from either Fund, \$1,000,000 shall be
18 made available from either Fund during fiscal year
19 2017 to carry out this subsection, to remain avail-
20 able until expended.

21 (e) INDIAN DAM SURVEYS.—

22 (1) TRIBAL REPORTS.—The Secretary shall re-
23 quest that, not less frequently than once every 180
24 days, each Indian tribe submit to the Secretary a re-

1 port providing an inventory of the dams located on
2 the land of the Indian tribe.

3 (2) BIA REPORTS.—Not less frequently than
4 once each year, the Secretary shall submit to Con-
5 gress a report describing the condition of each dam
6 under the partial or total jurisdiction of the Sec-
7 retary.

8 (f) FLOOD PLAIN MANAGEMENT PILOT PROGRAM.—

9 (1) ESTABLISHMENT.—The Secretary shall es-
10 tablish, within the Bureau of Indian Affairs, a flood
11 plain management pilot program (referred to in this
12 subsection as the “program”) to provide, at the re-
13 quest of an Indian tribe, guidance to the Indian
14 tribe relating to best practices for the mitigation and
15 prevention of floods, including consultation with the
16 Indian tribe on—

17 (A) flood plain mapping; or

18 (B) new construction planning.

19 (2) TERMINATION.—The program shall termi-
20 nate on the date that is 4 years after the date of en-
21 actment of this Act.

22 (3) FUNDING.—Of the amounts authorized to
23 be expended from either Fund, \$250,000 shall be
24 made available from either Fund during each of fis-

1 cal years 2017, 2018, and 2019 to carry out this
2 subsection, to remain available until expended.

3 **SEC. 3008. REHABILITATION OF CORPS OF ENGINEERS**
4 **CONSTRUCTED FLOOD CONTROL DAMS.**

5 (a) IN GENERAL.—If the Secretary determines that
6 the project is feasible, the Secretary may carry out a
7 project for the rehabilitation of a dam described in sub-
8 section (b).

9 (b) ELIGIBLE DAMS.—A dam eligible for assistance
10 under this section is a dam—

11 (1) that has been constructed, in whole or in
12 part, by the Corps of Engineers for flood control
13 purposes;

14 (2) for which construction was completed before
15 1940;

16 (3) that is classified as “high hazard potential”
17 by the State dam safety agency of the State in
18 which the dam is located; and

19 (4) that is operated by a non-Federal entity.

20 (c) COST SHARING.—Non-Federal interests shall pro-
21 vide 35 percent of the cost of construction of any project
22 carried out under this section, including provision of all
23 land, easements, rights-of-way, and necessary relocations.

24 (d) AGREEMENTS.—Construction of a project under
25 this section shall be initiated only after a non-Federal in-

1 terest has entered into a binding agreement with the Sec-
 2 retary—

3 (1) to pay the non-Federal share of the costs of
 4 construction under subsection (c); and

5 (2) to pay 100 percent of any operation, main-
 6 tenance, and replacement and rehabilitation costs
 7 with respect to the project in accordance with regu-
 8 lations prescribed by the Secretary.

9 (e) COST LIMITATION.—The Secretary shall not ex-
 10 pend more than \$10,000,000 for a project at any single
 11 dam under this section.

12 (f) FUNDING.—There is authorized to be appro-
 13 priated to carry out this section \$10,000,000 for each of
 14 fiscal years 2017 through 2026.

15 **TITLE IV—RIVER BASINS, WA-** 16 **TERSHEDES, AND COASTAL** 17 **AREAS**

18 **SEC. 4001. GULF COAST OYSTER BED RECOVERY PLAN.**

19 (a) DEFINITION OF GULF STATES.—In this section,
 20 the term “Gulf States” means each of the States of Ala-
 21 bama, Florida, Louisiana, Mississippi, and Texas.

22 (b) GULF COAST OYSTER BED RECOVERY PLAN.—
 23 The Secretary, in coordination with the Gulf States, shall
 24 develop and implement a plan to assist in the recovery of

1 oyster beds on the coast of Gulf States that were damaged
2 by events including—

- 3 (1) Hurricane Katrina in 2005;
4 (2) the Deep Water Horizon oil spill in 2010;
5 and
6 (3) floods in 2011 and 2016.

7 (c) INCLUSION.—The plan developed under sub-
8 section (b) shall address the beneficial use of dredged ma-
9 terial in providing substrate for oyster bed development.

10 (d) SUBMISSION.—Not later than 18 months after
11 the date of enactment of this Act, the Secretary shall sub-
12 mit to the Committee of Environment and Public Works
13 of the Senate and the Committee on Transportation and
14 Infrastructure of the House of Representatives the plan
15 developed under subsection (b).

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to the Secretary to carry
18 out this section \$2,000,000, to remain available until ex-
19 pended.

20 **SEC. 4002. COLUMBIA RIVER, PLATTE RIVER, AND ARKAN-**
21 **SAS RIVER.**

22 (a) ECOSYSTEM RESTORATION.—Section 536(g) of
23 the Water Resources Development Act of 2000 (Public
24 Law 106–541; 114 Stat. 2662; 128 Stat. 1314) is amend-

1 ed by striking “\$50,000,000” and inserting
2 “\$75,000,000”.

3 (b) WATERCRAFT INSPECTION STATIONS.—Section
4 104 of the River and Harbor Act of 1958 (33 U.S.C. 610)
5 is amended—

6 (1) by striking subsection (b) and inserting the
7 following:

8 “(b) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—There are authorized to be
10 appropriated such sums as are necessary, but not
11 more than \$65,000,000, to carry out this section for
12 each fiscal year, of which—

13 “(A) \$20,000,000 shall be made available
14 to carry out subsection (d)(1)(A)(i); and

15 “(B) \$25,000,000 shall be made available
16 to carry out clauses (ii) and (iii) of subsection
17 (d)(1)(A).

18 “(2) ALLOCATION.—Any funds made available
19 under paragraph (1) that are employed for control
20 operations shall be allocated by the Chief of Engi-
21 neers on a priority basis, based on—

22 “(A) the urgency and need of each area;
23 and

24 “(B) the availability of local funds.”; and

25 (2) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

“(1) ESTABLISHMENT, OPERATION, AND MAINTENANCE.—

“(A) IN GENERAL.—In carrying out this section, the Secretary may establish, operate, and maintain watercraft inspection stations to protect—

“(i) the Columbia River Basin;

“(ii) the Platte River Basin located in the States of Colorado, Nebraska, and Wyoming; and

“(iii) the Arkansas River Basin located in the States of Arkansas, Colorado, Kansas, New Mexico, Oklahoma, and Texas.

“(B) LOCATION.—The watercraft inspection stations under subparagraph (A) shall be located in areas, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary.”; and

(B) in paragraph (3), by striking subparagraph (A) and inserting the following:

1 “(A) the Governor of each State in which
2 a station is established under paragraph (1);”.

3 (c) TRIBAL HOUSING.—

4 (1) DEFINITION OF REPORT.—In this sub-
5 section, the term “report” means the final report for
6 the Portland District, Corps of Engineers, entitled
7 “Columbia River Treaty Fishing Access Sites, Or-
8 egon and Washington: Fact-finding Review on Trib-
9 al Housing” and dated November 19, 2013.

10 (2) ASSISTANCE AUTHORIZED.—As replacement
11 housing for Indian families displaced due to the con-
12 struction of the Bonneville Dam, on the request of
13 the Secretary of the Interior, the Secretary may pro-
14 vide assistance on land transferred by the Depart-
15 ment of the Army to the Department of the Interior
16 pursuant to title IV of Public Law 100–581 (102
17 Stat. 2944; 110 Stat. 766; 110 Stat. 3762; 114
18 Stat. 2679; 118 Stat. 544) for the number of fami-
19 lies estimated in the report as having received no re-
20 location assistance.

21 (3) STUDY.—The Secretary shall—

22 (A) conduct a study to determine the num-
23 ber of Indian people displaced by the construc-
24 tion of the John Day Dam; and

1 (B) identify a plan for suitable housing to
2 replace housing lost to the construction of the
3 John Day Dam.

4 (d) COLUMBIA AND LOWER WILLAMETTE RIVERS
5 BELOW VANCOUVER, WASHINGTON AND OREGON.—The
6 Secretary shall conduct a study to determine the feasibility
7 of modifying the project for navigation, Columbia and
8 Lower Willamette Rivers below Vancouver, Washington
9 and Portland, Oregon, authorized by section 101 of the
10 River and Harbor Act of 1962 (Public Law 87–874; 76
11 Stat. 1177) to address safety risks.

12 **SEC. 4003. MISSOURI RIVER.**

13 (a) RESERVOIR SEDIMENT MANAGEMENT.—

14 (1) DEFINITION OF SEDIMENT MANAGEMENT
15 PLAN.—In this subsection, the term “sediment man-
16 agement plan” means a plan for preventing sedi-
17 ment from reducing water storage capacity at a res-
18 ervoir and increasing water storage capacity through
19 sediment removal at a reservoir.

20 (2) UPPER MISSOURI RIVER BASIN PILOT PRO-
21 GRAM.—The Secretary shall carry out a pilot pro-
22 gram for the development and implementation of
23 sediment management plans for reservoirs owned
24 and operated by the Secretary in the Upper Missouri
25 River Basin, on request by project beneficiaries.

1 (3) PLAN ELEMENTS.—A sediment manage-
2 ment plan under paragraph (2) shall—

3 (A) provide opportunities for project bene-
4 ficiaries and other stakeholders to participate in
5 sediment management decisions;

6 (B) evaluate the volume of sediment in a
7 reservoir and impacts on storage capacity;

8 (C) identify preliminary sediment manage-
9 ment options, including sediment dikes and
10 dredging;

11 (D) identify constraints;

12 (E) assess technical feasibility, economic
13 justification, and environmental impacts;

14 (F) identify beneficial uses for sediment;
15 and

16 (G) to the maximum extent practicable,
17 use, develop, and demonstrate innovative, cost-
18 saving technologies, including structural and
19 nonstructural technologies and designs, to man-
20 age sediment.

21 (4) COST SHARE.—The beneficiaries requesting
22 the plan shall share in the cost of development and
23 implementation of a sediment management plan allo-
24 cated in accordance with the benefits to be received.

1 (5) CONTRIBUTED FUNDS.—The Secretary may
2 accept funds from non-Federal interests and other
3 Federal agencies to develop and implement a sedi-
4 ment management plan under this subsection.

5 (6) GUIDANCE.—The Secretary shall use the
6 knowledge gained through the development and im-
7 plementation of sediment management plans under
8 paragraph (2) to develop guidance for sediment
9 management at other reservoirs.

10 (7) PARTNERSHIP WITH SECRETARY OF THE
11 INTERIOR.—

12 (A) IN GENERAL.—The Secretary shall
13 carry out the pilot program established under
14 this subsection in partnership with the Sec-
15 retary of the Interior, and the program may
16 apply to reservoirs managed or owned by the
17 Bureau of Reclamation on execution of a
18 memorandum of agreement between the Sec-
19 retary and the Secretary of the Interior estab-
20 lishing the framework for a partnership and the
21 terms and conditions for sharing expertise and
22 resources.

23 (B) LEAD AGENCY.—The Secretary that
24 has primary jurisdiction over the reservoir shall

1 take the lead in developing and implementing a
 2 sediment management plan for that reservoir.

3 (8) OTHER AUTHORITIES NOT AFFECTED.—
 4 Nothing in this subsection affects sediment manage-
 5 ment or the share of costs paid by Federal and non-
 6 Federal interests relating to sediment management
 7 under any other provision of law (including regula-
 8 tions).

9 (b) SNOWPACK AND DROUGHT MONITORING.—Sec-
 10 tion 4003(a) of the Water Resources Reform and Develop-
 11 ment Act of 2014 (Public Law 113–121; 128 Stat. 1311)
 12 is amended by adding at the end the following:

13 “(5) LEAD AGENCY.—The Corps of Engineers
 14 shall be the lead agency for carrying out and coordi-
 15 nating the activities described in paragraph (1).”.

16 **SEC. 4004. PUGET SOUND NEARSHORE ECOSYSTEM RES-**
 17 **TORATION.**

18 Section 544(f) of the Water Resources Development
 19 Act of 2000 (Public Law 106–541; 114 Stat. 2675) is
 20 amended by striking “\$5,000,000” and inserting
 21 “\$10,000,000”.

22 **SEC. 4005. ICE JAM PREVENTION AND MITIGATION.**

23 (a) IN GENERAL.—The Secretary may carry out
 24 projects under section 205 of the Flood Control Act of
 25 1948 (33 U.S.C. 701s), including planning, design, con-

1 construction, and monitoring of structural and nonstructural
2 technologies and measures for preventing and mitigating
3 flood damages associated with ice jams.

4 (b) INCLUSION.—The projects described in sub-
5 section (a) may include the development and demonstra-
6 tion of cost-effective technologies and designs developed in
7 consultation with—

8 (1) the Cold Regions Research and Engineering
9 Laboratory of the Corps of Engineers;

10 (2) universities;

11 (3) Federal, State, and local agencies; and

12 (4) private organizations.

13 (c) PILOT PROGRAM.—

14 (1) AUTHORIZATION.—In addition to the fund-
15 ing authorized under section 205 of the Flood Con-
16 trol Act of 1948 (33 U.S.C. 701s), the Secretary is
17 authorized to expend \$30,000,000 to carry out pilot
18 projects to demonstrate technologies and designs de-
19 veloped in accordance with this section.

20 (2) PRIORITY.—In carrying out pilot projects
21 under paragraph (1), the Secretary shall give pri-
22 ority to projects in the Upper Missouri River Basin.

23 (3) SUNSET.—The pilot program under this
24 subsection shall terminate on December 31, 2026.

1 **SEC. 4006. CHESAPEAKE BAY OYSTER RESTORATION.**

2 Section 704(b)(1) of the Water Resources Develop-
 3 ment Act of 1986 (33 U.S.C. 2263(b)(1)) is amended by
 4 striking “\$60,000,000” and inserting “\$100,000,000”.

5 **SEC. 4007. NORTH ATLANTIC COASTAL REGION.**

6 Section 4009 of the Water Resources Reform and De-
 7 velopment Act of 2014 (Public Law 113–121; 128 Stat.
 8 1316) is amended—

9 (1) in subsection (a), by striking “conduct a
 10 study to determine the feasibility of carrying out
 11 projects” and inserting “develop a comprehensive as-
 12 sessment and management plan at Federal ex-
 13 pense”;

14 (2) in subsection (b), by striking the subsection
 15 designation and heading and all that follows through
 16 “In carrying out the study” and inserting the fol-
 17 lowing:

18 “(b) ASSESSMENT AND MANAGEMENT PLAN.—In de-
 19 veloping the comprehensive assessment and management
 20 plan”; and

21 (3) in subsection (c)(1), in the matter preceding
 22 subparagraph (A), by striking “identified in the
 23 study pursuant to subsection (a)” and inserting
 24 “identified in the comprehensive assessment and
 25 management plan under this section”.

1 **SEC. 4008. RIO GRANDE.**

2 Section 5056(f) of the Water Resources Development
3 Act of 2007 (Public Law 110–114; 121 Stat. 1214; 128
4 Stat. 1315) is amended by striking “2019” and inserting
5 “2024”.

6 **SEC. 4009. TEXAS COASTAL AREA.**

7 In carrying out the Coastal Texas ecosystem protec-
8 tion and restoration study authorized by section 4091 of
9 the Water Resources Development Act of 2007 (Public
10 Law 110–114; 121 Stat. 1187), the Secretary shall con-
11 sider studies, data, or information developed by the Gulf
12 Coast Community Protection and Recovery District to ex-
13 pedite completion of the study.

14 **SEC. 4010. UPPER MISSISSIPPI AND ILLINOIS RIVERS**
15 **FLOOD RISK MANAGEMENT.**

16 (a) IN GENERAL.—The Secretary shall conduct a
17 study at Federal expense to determine the feasibility of
18 carrying out projects to address systemic flood damage re-
19 duction in the upper Mississippi and Illinois River basins.

20 (b) PURPOSE.—The purposes of the study under sub-
21 section (a) are—

22 (1) to develop an integrated, comprehensive,
23 and systems-based approach to minimize the threat
24 to health and safety resulting from flooding by using
25 structural and nonstructural flood risk management
26 measures;

1 (2) to reduce damages and costs associated with
2 flooding;

3 (3) to identify opportunities to support environ-
4 mental sustainability and restoration goals of the
5 Upper Mississippi River and Illinois River floodplain
6 as part of any systemic flood risk management plan;
7 and

8 (4) to seek opportunities to address, in concert
9 with flood risk management measures, other flood-
10 plain specific problems, needs, and opportunities.

11 (c) STUDY COMPONENTS.—In carrying out the study
12 under subsection (a), the Secretary shall—

13 (1) as appropriate, coordinate with the heads of
14 other appropriate Federal agencies, the Governors of
15 the States within the Upper Mississippi and Illinois
16 River basins, the appropriate levee and drainage dis-
17 tricts, nonprofit organizations, and other interested
18 parties;

19 (2) recommend projects for reconstruction of
20 existing levee systems so as to develop and maintain
21 a comprehensive system for flood risk reduction and
22 floodplain management;

23 (3) perform a systemic analysis of critical
24 transportation systems to determine the feasibility of

1 protecting river approaches for land-based systems,
 2 highways, and railroads;

3 (4) develop a basin-wide hydrologic model for
 4 the Upper Mississippi River System and update as
 5 changes occur and new data is available; and

6 (5) use, to the maximum extent practicable, any
 7 existing plans and data.

8 (d) BASIS FOR RECOMMENDATIONS.—In recom-
 9 mending a project under subsection (c)(2), the Secretary
 10 may justify the project based on system-wide benefits.

11 **SEC. 4011. SALTON SEA, CALIFORNIA.**

12 Section 3032 of the Water Resources Development
 13 Act of 2007 (Public Law 110–114; 121 Stat. 1113) is
 14 amended—

15 (1) in the section heading, by inserting “**PRO-**
 16 **GRAM**” after “**RESTORATION**”;

17 (2) in subsection (b)—

18 (A) in the subsection heading, by striking
 19 “PILOT PROJECTS” and inserting “PROGRAM”;

20 (B) in paragraph (1)—

21 (i) by redesignating subparagraphs
 22 (A) and (B) as subparagraphs (B) and
 23 (C), respectively;

24 (ii) by inserting before subparagraph
 25 (B) (as redesignated) the following:

1 “(A) ESTABLISHMENT.—The Secretary
2 shall carry out a program to implement projects
3 to restore the Salton Sea in accordance with
4 this section.”;

5 (iii) in subparagraph (B) (as redesign-
6 nated by clause (i)), by striking “the
7 pilot”; and

8 (iv) in subparagraph (C) (as redesign-
9 nated by clause (i))—

10 (I) in clause (i), in the matter
11 preceding subclause (I), by striking
12 “the pilot projects referred to in sub-
13 paragraph (A)” and inserting “the
14 projects referred to in subparagraph
15 (B)”;

16 (II) in subclause (I), by inserting
17 “, Salton Sea Authority, or other non-
18 Federal interest” before the semicolon
19 at the end; and

20 (III) in subclause (II), by strik-
21 ing “pilot”;

22 (C) in paragraph (2), in the matter pre-
23 ceding subparagraph (A), by striking “pilot”;
24 and

25 (D) in paragraph (3)—

- 1 (i) by striking “pilot” each place it
 2 appears; and
 3 (ii) by inserting “, Salton Sea Author-
 4 ity, or other non-Federal interest” after
 5 “State”; and
 6 (3) in subsection (c), by striking “pilot”.

7 **SEC. 4012. ADJUSTMENT.**

8 Section 219(f)(25) of the Water Resources Develop-
 9 ment Act of 1992 (Public Law 102–580; 113 Stat. 336)
 10 is amended—

- 11 (1) by inserting “Berkeley” before “Calhoun”;
 12 and
 13 (2) by striking “Orangeberg, and Sumter” and
 14 inserting “and Orangeberg”.

15 **SEC. 4013. COASTAL RESILIENCY.**

16 (a) IN GENERAL.—Section 4014(b) of the Water Re-
 17 sources Reform and Development Act of 2014 (33 U.S.C.
 18 2803a(b)) is amended—

- 19 (1) in paragraph (1), by inserting “Indian
 20 tribes,” after “nonprofit organizations,”;
 21 (2) by redesignating paragraphs (3) and (4) as
 22 paragraphs (4) and (5), respectively; and
 23 (3) by inserting after paragraph (2) the fol-
 24 lowing:

1 “(3) give priority to projects in communities the
2 existence of which is threatened by rising sea level,
3 including projects relating to shoreline restoration,
4 tidal marsh restoration, dunal habitats to protect
5 coastal infrastructure, reduction of future and exist-
6 ing emergency repair costs, and projects that use
7 dredged materials;”.

8 (b) INTERAGENCY COORDINATION ON COASTAL RE-
9 SILIENCE.—

10 (1) IN GENERAL.—The Secretary shall convene
11 an interagency working group on resilience to ex-
12 treme weather, which will coordinate research, data,
13 and Federal investments related to sea level rise, re-
14 siliency, and vulnerability to extreme weather, in-
15 cluding coastal resilience.

16 (2) CONSULTATION.—The interagency working
17 group convened under paragraph (1) shall—

18 (A) participate in any activity carried out
19 by an organization authorized by a State to
20 study and issue recommendations on how to ad-
21 dress the impacts on Federal assets of recur-
22 rent flooding and sea level rise, including pro-
23 viding consultation regarding policies, pro-
24 grams, studies, plans, and best practices relat-

ing to recurrent flooding and sea level rise in areas with significant Federal assets; and

(B) share physical, biological, and socioeconomic data among such State organizations, as appropriate.

SEC. 4014. REGIONAL INTERGOVERNMENTAL COLLABORATION ON COASTAL RESILIENCE.

(a) REGIONAL ASSESSMENTS.—

(1) IN GENERAL.—The Secretary may conduct regional assessments of coastal and back bay protection and of Federal and State policies and programs related to coastal water resources, including—

(A) an assessment of the probability and the extent of coastal flooding and erosion, including back bay and estuarine flooding;

(B) recommendations for policies and other measures related to regional Federal, State, local, and private participation in shoreline and back-bay protection projects;

(C) an evaluation of the performance of existing Federal coastal storm damage reduction, ecosystem restoration, and navigation projects, including recommendations for the improvement of those projects;

1 (D) an assessment of the value and im-
2 pacts of implementation of regional, systems-
3 based, watershed-based, and interstate ap-
4 proaches if practicable;

5 (E) recommendations for the demonstra-
6 tion of methodologies for resilience through the
7 use of natural and nature-based infrastructure
8 approaches, as appropriate; and

9 (F) recommendations regarding alternative
10 sources of funding for new and existing
11 projects.

12 (2) COOPERATION.—In carrying out paragraph
13 (1), the Secretary shall cooperate with—

14 (A) heads of appropriate Federal agencies;

15 (B) States that have approved coastal
16 management programs and appropriate agen-
17 cies of those States;

18 (C) local governments; and

19 (D) the private sector.

20 (b) STREAMLINING.—In carrying out this section, the
21 Secretary shall—

22 (1) to the maximum extent practicable, use ex-
23 isting research done by Federal, State, regional,
24 local, and private entities to eliminate redundancies
25 and related costs;

1 (2) receive from any of the entities described in
2 subsection (a)(2)—

3 (A) contributed funds; or

4 (B) research that may be eligible for credit
5 as work-in-kind under applicable Federal law;
6 and

7 (3) enable each District or combination of Dis-
8 tricts of the Corps of Engineers that jointly partici-
9 pate in carrying out an assessment under this sec-
10 tion to consider regionally appropriate engineering,
11 biological, ecological, social, economic, and other fac-
12 tors in carrying out the assessment.

13 (c) REPORTS.—The Secretary shall submit to the
14 Committee on Environment and Public Works of the Sen-
15 ate and the Committee on Transportation and Infrastruc-
16 ture of the House of Representatives all reports and rec-
17 ommendations prepared under this section, together with
18 any necessary supporting documentation.

19 **SEC. 4015. SOUTH ATLANTIC COASTAL STUDY.**

20 (a) IN GENERAL.—The Secretary shall conduct a
21 study of the coastal areas located within the geographical
22 boundaries of the South Atlantic Division of the Corps of
23 Engineers to identify the risks and vulnerabilities of those
24 areas to increased hurricane and storm damage as a result
25 of sea level rise.

1 (b) REQUIREMENTS.—In carrying out the study
2 under subsection (a), the Secretary shall—

3 (1) conduct a comprehensive analysis of current
4 hurricane and storm damage reduction measures
5 with an emphasis on regional sediment management
6 practices to sustainably maintain or enhance current
7 levels of storm protection;

8 (2) identify risks and coastal vulnerabilities in
9 the areas affected by sea level rise;

10 (3) recommend measures to address the
11 vulnerabilities described in paragraph (2); and

12 (4) develop a long-term strategy for—

13 (A) addressing increased hurricane and
14 storm damages that result from rising sea lev-
15 els; and

16 (B) identifying opportunities to enhance
17 resiliency, increase sustainability, and lower
18 risks in—

19 (i) populated areas;

20 (ii) areas of concentrated economic
21 development; and

22 (iii) areas with vulnerable environ-
23 mental resources.

24 (c) CONSULTATION.—The Secretary shall coordinate,
25 as appropriate, with the heads of other Federal depart-

1 ments and agencies, the Governors of the affected States,
2 regional governmental agencies, and units of local govern-
3 ment to address coastal impacts resulting from sea level
4 rise.

5 (d) REPORT.—Not later than 4 years after the date
6 of enactment of this Act, the Secretary shall submit to
7 the Committee on Environment and Public Works of the
8 Senate and the Committee on Transportation and Infra-
9 structure of the House of Representatives a report recom-
10 mending specific and detailed actions to address risks and
11 vulnerabilities of the areas described in subsection (a) to
12 increased hurricane and storm damage as a result of sea
13 level rise.

14 **SEC. 4016. KANAWHA RIVER BASIN.**

15 The Secretary shall conduct studies to determine the
16 feasibility of implementing projects for flood risk manage-
17 ment, ecosystem restoration, navigation, water supply,
18 recreation, and other water resource related purposes
19 within the Kanawha River Basin, West Virginia, Virginia,
20 and North Carolina.

21 **SEC. 4017. CONSIDERATION OF FULL ARRAY OF MEASURES**
22 **FOR COASTAL RISK REDUCTION.**

23 (a) DEFINITIONS.—In this section:

24 (1) NATURAL FEATURE.—The term “natural
25 feature” means a feature that is created through the

1 action of physical, geological, biological, and chem-
 2 ical processes over time.

3 (2) NATURE-BASED FEATURE.—The term “na-
 4 ture-based feature” means a feature that is created
 5 by human design, engineering, and construction to
 6 protect, and in concert with, natural processes to
 7 provide risk reduction in coastal areas.

8 (b) REQUIREMENT.—In developing projects for coast-
 9 al risk reduction, the Secretary shall consider, as appro-
 10 priate—

- 11 (1) natural features;
- 12 (2) nature-based features;
- 13 (3) nonstructural measures; and
- 14 (4) structural measures.

15 (c) REPORT TO CONGRESS.—

16 (1) IN GENERAL.—Not later than February 1,
 17 2020, the Secretary shall submit to the Committee
 18 on Environment and Public Works of the Senate
 19 and the Committee on Transportation and Infra-
 20 structure of the House of Representatives a report
 21 on the implementation of subsection (b).

22 (2) CONTENTS.—The report under paragraph
 23 (1) shall include, at a minimum, the following:

- 24 (A) A description of guidance or instruc-
- 25 tions issued, and other measures taken, by the

1 Secretary and the Chief of Engineers to imple-
2 ment subsection (b).

3 (B) An assessment of the costs, benefits,
4 impacts, and trade-offs associated with meas-
5 ures recommended by the Secretary for coastal
6 risk reduction and the effectiveness of those
7 measures.

8 (C) A description of any statutory, fiscal,
9 or regulatory barriers to the appropriate consid-
10 eration and use of a full array of measures for
11 coastal risk reduction.

12 **SEC. 4018. WATERFRONT COMMUNITY REVITALIZATION**
13 **AND RESILIENCY.**

14 (a) FINDINGS.—Congress finds that—

15 (1) many communities in the United States
16 were developed along waterfronts;

17 (2) water proximity and access is a recognized
18 economic driver;

19 (3) water shortages faced by parts of the
20 United States underscore the need to manage water
21 sustainably and restore water quality;

22 (4) interest in waterfront revitalization and de-
23 velopment has grown, while the circumstances driv-
24 ing waterfront development have changed;

(5) waterfront communities face challenges to revitalizing and leveraging water resources, such as outdated development patterns, deteriorated water infrastructure, industrial contamination of soil and sediment, and lack of public access to the waterfront, which are often compounded by overarching economic distress in the community;

(6) public investment in waterfront community development and infrastructure should reflect changing ecosystem conditions and extreme weather projections to ensure strategic, resilient investments;

(7) individual communities have unique priorities, concerns, and opportunities related to waterfront restoration and community revitalization; and

(8) the Secretary of Commerce has unique expertise in Great Lakes and ocean coastal resiliency and economic development.

(b) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(2) RESILIENT WATERFRONT COMMUNITY.—The term “resilient waterfront community” means a unit of local government or Indian tribe that is—

1 (A)(i) bound in part by—

2 (I) a Great Lake; or

3 (II) an ocean; or

4 (ii) bordered or traversed by a riverfront or
5 an inland lake;

6 (B) self-nominated as a resilient water-
7 front community; and

8 (C) designated by the Secretary as a resil-
9 ient waterfront community on the basis of the
10 development by the community of an eligible re-
11 silient waterfront community plan, with eligi-
12 bility determined by the Secretary after consid-
13 ering the requirements of paragraphs (2) and
14 (3) of subsection (c).

15 (3) SECRETARY.—The term “Secretary” means
16 the Secretary of Commerce.

17 (c) RESILIENT WATERFRONT COMMUNITIES DES-
18 IGNATION.—

19 (1) DESIGNATION.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), the Secretary shall designate resil-
22 ient waterfront communities based on the ex-
23 tent to which a community meets the criteria
24 described in paragraph (2).

(B) COLLABORATION.—For inland lake and riverfront communities, in making the designation described in subparagraph (A), the Secretary shall work with the Administrator of the Environmental Protection Agency and the heads of other Federal agencies, as the Secretary determines to be necessary.

(2) RESILIENT WATERFRONT COMMUNITY PLAN.—A resilient waterfront community plan is a community-driven vision and plan that is developed—

(A) voluntarily at the discretion of the community—

(i) to respond to local needs; or

(ii) to take advantage of new water-oriented opportunities;

(B) with the leadership of the relevant governmental entity or Indian tribe with the active participation of—

(i) community residents;

(ii) utilities; and

(iii) interested business and non-governmental stakeholders;

(C) as a new document or by amending or compiling community planning documents, as necessary, at the discretion of the Secretary;

(D) in consideration of all applicable Federal and State coastal zone management planning requirements;

(E) to address economic competitive strengths; and

(F) to complement and incorporate the objectives and recommendations of applicable regional economic plans.

(3) COMPONENTS OF A RESILIENT WATERFRONT COMMUNITY PLAN.—A resilient waterfront community plan shall—

(A) consider all, or a portion of, the waterfront area and adjacent land and water to which the waterfront is connected ecologically, economically, or through local governmental or tribal boundaries;

(B) describe a vision and plan for the community to develop as a vital and resilient waterfront community, integrating consideration of—

(i) the economic opportunities resulting from water proximity and access, including—

- 1 (I) water-dependent industries;
- 2 (II) water-oriented commerce;
- 3 and
- 4 (III) recreation and tourism;
- 5 (ii) the community relationship to the
- 6 water, including—
- 7 (I) quality of life;
- 8 (II) public health;
- 9 (III) community heritage; and
- 10 (IV) public access, particularly in
- 11 areas in which publicly funded eco-
- 12 system restoration is underway;
- 13 (iii) ecosystem challenges and projec-
- 14 tions, including unresolved and emerging
- 15 impacts to the health and safety of the wa-
- 16 terfront and projections for extreme weath-
- 17 er and water conditions;
- 18 (iv) infrastructure needs and opportu-
- 19 nities, to facilitate strategic and sustain-
- 20 able capital investments in—
- 21 (I) docks, piers, and harbor fa-
- 22 cilities;
- 23 (II) protection against storm
- 24 surges, waves, and flooding;

- 1 (III) stormwater, sanitary sewer,
2 and drinking water systems, including
3 green infrastructure and opportunities
4 to control nonpoint source runoff; and
5 (IV) other community facilities
6 and private development; and
7 (v) such other factors as are deter-
8 mined by the Secretary to align with
9 metrics or indicators for resiliency, consid-
10 ering environmental and economic changes.
- 11 (4) DURATION.—After the designation of a
12 community as a resilient waterfront community
13 under paragraph (1), a resilient waterfront commu-
14 nity plan developed in accordance with paragraphs
15 (2) and (3) may be—
- 16 (A) effective for the 10-year period begin-
17 ning on the date on which the Secretary ap-
18 proves the resilient waterfront community plan;
19 and
20 (B) updated by the resilient waterfront
21 community and submitted to the Secretary for
22 the approval of the Secretary before the expira-
23 tion of the 10-year period.
- 24 (d) RESILIENT WATERFRONT COMMUNITIES NET-
25 WORK.—

1 (1) IN GENERAL.—The Secretary shall develop
 2 and maintain a resilient waterfront communities net-
 3 work to facilitate the sharing of best practices
 4 among waterfront communities.

5 (2) PUBLIC RECOGNITION.—In consultation
 6 with designated resilient waterfront communities,
 7 the Secretary shall provide formal public recognition
 8 of the designated resilient waterfront communities to
 9 promote tourism, investment, or other benefits.

10 (e) WATERFRONT COMMUNITY REVITALIZATION AC-
 11 TIVITIES.—

12 (1) IN GENERAL.—To support a community in
 13 leveraging other sources of public and private invest-
 14 ment, the Secretary may use existing authority to
 15 support—

16 (A) the development of a resilient water-
 17 front community plan, including planning and
 18 feasibility analysis; and

19 (B) the implementation of strategic compo-
 20 nents of a resilient waterfront community plan
 21 after the resilient waterfront community plan
 22 has been approved by the Secretary.

23 (2) NON-FEDERAL PARTNERS.—

24 (A) LEAD NON-FEDERAL PARTNERS.—A
 25 unit of local government or an Indian tribe

shall be eligible to be considered as a lead non-Federal partner if the unit of local government or Indian tribe is—

(i) bound in part by—

(I) a Great Lake; or

(II) an ocean; or

(ii) bordered or traversed by a riverfront or an inland lake.

(B) NON-FEDERAL IMPLEMENTATION PARTNERS.—Subject to paragraph (4)(C), a lead non-Federal partner may contract with an eligible non-Federal implementation partner for implementation activities described in paragraph (4)(B).

(3) PLANNING ACTIVITIES.—

(A) IN GENERAL.—Technical assistance may be provided for the development of a resilient waterfront community plan.

(B) ELIGIBLE PLANNING ACTIVITIES.—In developing a resilient waterfront community plan, a resilient waterfront community may—

(i) conduct community visioning and outreach;

(ii) identify challenges and opportunities;

1 (iii) develop strategies and solutions;

2 (iv) prepare plan materials, including
3 text, maps, design, and preliminary engi-
4 neering;

5 (v) collaborate across local agencies
6 and work with regional, State, and Federal
7 agencies to identify, understand, and de-
8 velop responses to changing ecosystem and
9 economic circumstances; and

10 (vi) conduct other planning activities
11 that the Secretary considers necessary for
12 the development of a resilient waterfront
13 community plan that responds to revital-
14 ization and resiliency issues confronted by
15 the resilient waterfront community.

16 (4) IMPLEMENTATION ACTIVITIES.—

17 (A) IN GENERAL.—Implementation assist-
18 ance may be provided—

19 (i) to initiate implementation of a re-
20 silient waterfront community plan and fa-
21 cilitate high-quality development, including
22 leveraging local and private sector invest-
23 ment; and

1 (ii) to address strategic community
2 priorities that are identified in the resilient
3 waterfront community plan.

4 (B) ASSISTANCE.—Assistance may be pro-
5 vided to advance implementation activities, such
6 as—

- 7 (i) site preparation;
8 (ii) environmental review;
9 (iii) engineering and design;
10 (iv) acquiring easements or land for
11 uses such as green infrastructure, public
12 amenities, or assembling development sites;
13 (v) updates to zoning codes;
14 (vi) construction of—
15 (I) public waterfront or boating
16 amenities; and
17 (II) public spaces;
18 (vii) infrastructure upgrades to im-
19 prove coastal resiliency;
20 (viii) economic and community devel-
21 opment marketing and outreach; and
22 (ix) other activities at the discretion
23 of the Secretary.

24 (C) IMPLEMENTATION PARTNERS.—

(i) IN GENERAL.—To assist in the completion of implementation activities, a lead non-Federal partner may contract or otherwise collaborate with a non-Federal implementation partner, including—

(I) a nonprofit organization;

(II) a public utility;

(III) a private entity;

(IV) an institution of higher education;

(V) a State government; or

(VI) a regional organization.

(ii) LEAD NON-FEDERAL PARTNER RESPONSIBILITY.—The lead non-Federal partner shall ensure that assistance and resources received by the lead non-Federal partner to advance the resilient waterfront community plan of the lead non-Federal partner and for related activities are used for the purposes of, and in a manner consistent with, any initiative advanced by the Secretary for the purpose of promoting waterfront community revitalization and resiliency.

(5) USE OF NON-FEDERAL RESOURCES.—

1 (A) IN GENERAL.—A resilient waterfront
2 community receiving assistance under this sub-
3 section shall provide non-Federal funds toward
4 completion of planning or implementation ac-
5 tivities.

6 (B) NON-FEDERAL RESOURCES.—Non-
7 Federal funds may be provided by—

- 8 (i) 1 or more units of local or tribal
9 government;
10 (ii) a State government;
11 (iii) a nonprofit organization;
12 (iv) a private entity;
13 (v) a foundation;
14 (vi) a public utility; or
15 (vii) a regional organization.

16 (f) INTERAGENCY AWARENESS.—At regular inter-
17 vals, the Secretary shall provide a list of resilient water-
18 front communities to the applicable States and the heads
19 of national and regional offices of interested Federal agen-
20 cies, including at a minimum—

- 21 (1) the Secretary of Transportation;
22 (2) the Secretary of Agriculture;
23 (3) the Administrator of the Environmental
24 Protection Agency;

1 (4) the Administrator of the Federal Emer-
2 gency Management Agency;

3 (5) the Assistant Secretary of the Army for
4 Civil Works;

5 (6) the Secretary of the Interior; and

6 (7) the Secretary of Housing and Urban Devel-
7 opment.

8 (g) NO NEW REGULATORY AUTHORITY.—Nothing in
9 this section may be construed as establishing new author-
10 ity for any Federal agency.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to the Secretary to carry
13 out this section \$25,000,000 for each of fiscal years 2017
14 through 2021.

15 (i) FUNDING.—Out of any funds in the Treasury not
16 otherwise appropriated, the Secretary of the Treasury
17 shall transfer to the Secretary to carry out this section
18 \$800,000, to remain available until expended.

19 **SEC. 4019. TABLE ROCK LAKE, ARKANSAS AND MISSOURI.**

20 (a) IN GENERAL.—Notwithstanding any other provi-
21 sion of law, the Secretary—

22 (1) shall include a 60-day public comment pe-
23 riod for the Table Rock Lake Master Plan and
24 Table Rock Lake Shoreline Management Plan revi-
25 sion; and

1 (2) shall finalize the revision for the Table Rock
2 Lake Master Plan and Table Rock Lake Shoreline
3 Management Plan during the 2-year period begin-
4 ning on the date of enactment of this Act.

5 (b) SHORELINE USE PERMITS.—During the period
6 described in subsection (a)(2), the Secretary shall lift or
7 suspend the moratorium on the issuance of new, and modi-
8 fications to existing, shoreline use permits based on the
9 existing Table Rock Lake Master Plan and Table Rock
10 Lake Shoreline Management Plan.

11 (c) OVERSIGHT COMMITTEE.—

12 (1) IN GENERAL.—Not later than 120 days
13 after the date of enactment of this Act, the Sec-
14 retary shall establish an oversight committee (re-
15 ferred to in this subsection as the “Committee”).

16 (2) PURPOSES.—The purposes of the Com-
17 mittee shall be—

18 (A) to review any permit to be issued
19 under the existing Table Rock Lake Master
20 Plan at the recommendation of the District En-
21 gineer; and

22 (B) to advise the District Engineer on revi-
23 sions to the new Table Rock Lake Master Plan
24 and Table Rock Lake Shoreline Management
25 Plan.

1 (3) MEMBERSHIP.—Membership in the Com-
2 mittee shall not exceed 6 members and shall in-
3 clude—

4 (A) not more than 1 representative each
5 from the State of Missouri and the State of Ar-
6 kansas;

7 (B) not more than 1 representative each
8 from local economic development organizations
9 with jurisdiction over Table Rock Lake; and

10 (C) not more than 1 representative each
11 representing the boating and conservation inter-
12 ests of Table Rock Lake.

13 (4) STUDY.—The Secretary shall—

14 (A) carry out a study on the need to revise
15 permit fees relating to Table Rock Lake to bet-
16 ter reflect the cost of issuing those fees and
17 achieve cost savings;

18 (B) submit to Congress a report on the re-
19 sults of the study described in subparagraph
20 (A); and

21 (C) begin implementation of the new per-
22 mit fee structure based on the findings of the
23 study described in subparagraph (A).

1 **SEC. 4020. PEARL RIVER BASIN, MISSISSIPPI.**

2 The Secretary shall expedite review and decision on
 3 the recommendation for the project for flood damage re-
 4 duction authorized by section 401(e)(3) of the Water Re-
 5 sources Development Act of 1986 (100 Stat. 4132), as
 6 amended by section 3104 of the Water Resources Develop-
 7 ment Act of 2007 (121 Stat. 1134), submitted to the Sec-
 8 retary under section 211 of the Water Resources Develop-
 9 ment Act of 1996 (33 U.S.C. 701b–13) (as in effect on
 10 the day before the date of enactment of the Water Re-
 11 sources Reform and Development Act of 2014).

12 **TITLE V—DEAUTHORIZATIONS**

13 **SEC. 5001. DEAUTHORIZATIONS.**

14 (a) VALDEZ, ALASKA.—

15 (1) IN GENERAL.—Subject to paragraph (2),
 16 the portions of the project for navigation, Valdez,
 17 Alaska, identified as Tract G, Harbor Subdivision,
 18 shall not be subject to navigation servitude begin-
 19 ning on the date of enactment of this Act.

20 (2) ENTRY BY FEDERAL GOVERNMENT.—The
 21 Federal Government may enter on the property re-
 22 ferred to in paragraph (1) to carry out any required
 23 operation and maintenance of the general navigation
 24 features of the project described in paragraph (1).

25 (b) RED RIVER BELOW DENISON DAM, ARKANSAS,
 26 LOUISIANA, AND TEXAS.—The portion of the project for

1 flood protection on Red River Below Denison Dam, Ar-
 2 kansas, Louisiana and Texas, authorized by section 10 of
 3 the Flood Control Act of 1946 (60 Stat. 647, chapter
 4 596), consisting of the portion of the West Agurs Levee
 5 that begins at lat. $32^{\circ}32'50.86''$ N., by long. $93^{\circ}46'16.82''$
 6 W., and ends at lat. $32^{\circ}31'22.79''$ N., by long. $93^{\circ}45'$
 7 $2.47''$ W., is no longer authorized beginning on the date
 8 of enactment of this Act.

9 (c) SUTTER BASIN, CALIFORNIA.—

10 (1) IN GENERAL.—The separable element con-
 11 stituting the locally preferred plan increment re-
 12 flected in the report of the Chief of Engineers dated
 13 March 12, 2014, and authorized for construction
 14 under section 7002(2)(8) of the Water Resources
 15 Reform and Development Act of 2014 (Public Law
 16 113–121; 128 Stat. 1366) is no longer authorized
 17 beginning on the date of enactment of this Act.

18 (2) SAVINGS PROVISIONS.—The deauthorization
 19 under paragraph (1) does not affect—

20 (A) the national economic development
 21 plan separable element reflected in the report of
 22 the Chief of Engineers dated March 12, 2014,
 23 and authorized for construction under section
 24 7002(2)(8) of the Water Resources Reform and

1 Development Act of 2014 (Public Law 113–
2 121; 128 Stat. 1366); or

3 (B) previous authorizations providing for
4 the Sacramento River and major and minor
5 tributaries project, including—

6 (i) section 2 of the Act of March 1,
7 1917 (39 Stat. 949; chapter 144);

8 (ii) section 12 of the Act of December
9 22, 1944 (58 Stat. 900; chapter 665);

10 (iii) section 204 of the Flood Control
11 Act of 1950 (64 Stat. 177; chapter 188);
12 and

13 (iv) any other Acts relating to the au-
14 thorization for the Sacramento River and
15 major and minor tributaries project along
16 the Feather River right bank between levee
17 stationing 1483+33 and levee stationing
18 2368+00.

19 (d) STONINGTON HARBOR, CONNECTICUT.—The por-
20 tion of the project for navigation, Stonington Harbor,
21 Connecticut, authorized by the Act of May 23, 1828 (4
22 Stat. 288; chapter 73) that consists of the inner stone
23 breakwater that begins at coordinates N. 682,146.42, E.
24 1231,378.69, running north 83.587 degrees west 166.79'
25 to a point N. 682,165.05, E. 1,231,212.94, running north

1 69.209 degrees west 380.89' to a point N. 682,300.25,
 2 E. 1,230,856.86, is no longer authorized as a Federal
 3 project beginning on the date of enactment of this Act.

4 (e) GREEN RIVER AND BARREN RIVER, KEN-
 5 TUCKY.—

6 (1) IN GENERAL.—Beginning on the date of en-
 7 actment of this Act, commercial navigation at the
 8 locks and dams identified in the report of the Chief
 9 of Engineers entitled “Green River Locks and Dams
 10 3, 4, 5, and 6 and Barren River Lock and Dam 1,
 11 Kentucky” and dated April 30, 2015, shall no longer
 12 be authorized, and the land and improvements asso-
 13 ciated with the locks and dams shall be—

14 (A) disposed of consistent with paragraph
 15 (2); and

16 (B) subject to such terms and conditions
 17 as the Secretary determines to be necessary and
 18 appropriate in the public interest.

19 (2) DISPOSITION.—

20 (A) GREEN RIVER LOCK AND DAM 3.—The
 21 Secretary shall convey to the Rochester Dam
 22 Regional Water Commission all right, title, and
 23 interest of the United States in and to Green
 24 River Lock and Dam 3, located in Ohio County

1 and Muhlenberg County, Kentucky, together
2 with any improvements on the land.

3 (B) GREEN RIVER LOCK AND DAM 4.—The
4 Secretary shall convey to Butler County, Ken-
5 tucky, all right, title, and interest of the United
6 States in and to Green River Lock and Dam 4,
7 located in Butler County, Kentucky, together
8 with any improvements on the land.

9 (C) GREEN RIVER LOCK AND DAM 5.—The
10 Secretary shall convey to the State of Ken-
11 tucky, a political subdivision of the State of
12 Kentucky, or a nonprofit, nongovernmental or-
13 ganization all right, title, and interest of the
14 United States in and to Green River Lock and
15 Dam 5 for the express purposes of—

16 (i) removing the structure from the
17 river at the earliest feasible time; and

18 (ii) making the land available for con-
19 servation and public recreation, including
20 river access.

21 (D) GREEN RIVER LOCK AND DAM 6.—

22 (i) IN GENERAL.—The Secretary shall
23 transfer to the Secretary of the Interior
24 administrative jurisdiction over the portion
25 of Green River Lock and Dam 6,

1 Edmonson County, Kentucky, that is lo-
 2 cated on the left descending bank of the
 3 Green River, together with any improve-
 4 ments on the land, for inclusion in Mam-
 5 moth Cave National Park.

6 (ii) TRANSFER TO THE STATE OF
 7 KENTUCKY.—The Secretary shall transfer
 8 to the State of Kentucky all right, title,
 9 and interest of the United States in and to
 10 the portion of Green River Lock and Dam
 11 6, Edmonson County, Kentucky, that is lo-
 12 cated on the right descending bank of the
 13 Green River, together with any improve-
 14 ments on the land, for use by the Depart-
 15 ment of Fish and Wildlife Resources of the
 16 State of Kentucky for the purposes of—

17 (I) removing the structure from
 18 the river at the earliest feasible time;
 19 and

20 (II) making the land available for
 21 conservation and public recreation, in-
 22 cluding river access.

23 (E) BARREN RIVER LOCK AND DAM 1.—
 24 The Secretary shall convey to the State of Ken-
 25 tucky, all right, title, and interest of the United

1 States in and to Barren River Lock and Dam
2 1, located in Warren County, Kentucky, to-
3 gether with any improvements on the land, for
4 use by the Department of Fish and Wildlife Re-
5 sources of the State of Kentucky for the pur-
6 poses of—

7 (i) removing the structure from the
8 river at the earliest feasible time; and

9 (ii) making the land available for con-
10 servation and public recreation, including
11 river access.

12 (3) CONDITIONS.—

13 (A) IN GENERAL.—The exact acreage and
14 legal description of any land to be disposed of,
15 transferred, or conveyed under this subsection
16 shall be determined by a survey satisfactory to
17 the Secretary.

18 (B) QUITCLAIM DEED.—A conveyance
19 under subparagraph (A), (B), (D), or (E) of
20 paragraph (2) shall be accomplished by quit-
21 claim deed and without consideration.

22 (C) ADMINISTRATIVE COSTS.—The Sec-
23 retary shall be responsible for all administrative
24 costs associated with a transfer or conveyance

1 under this subsection, including the costs of a
2 survey carried out under subparagraph (A).

3 (D) REVERSION.—If the Secretary deter-
4 mines that the land transferred or conveyed
5 under this subsection is not used by a non-Fed-
6 eral entity for a purpose that is consistent with
7 the purpose of the transfer or conveyance, all
8 right, title, and interest in and to the land, in-
9 cluding any improvements on the land, shall re-
10 vert, at the discretion of the Secretary, to the
11 United States, and the United States shall have
12 the right of immediate entry onto the land.

13 (f) ESSEX RIVER, MASSACHUSETTS.—

14 (1) IN GENERAL.—The portions of the project
15 for navigation, Essex River, Massachusetts, author-
16 ized by the first section of the Act of July 13, 1892
17 (27 Stat. 96, chapter 158), and modified by the first
18 section of the Act of March 3, 1899 (30 Stat. 1133,
19 chapter 425), and the first section of the Act of
20 March 2, 1907 (34 Stat. 1075, chapter 2509), that
21 do not lie within the areas described in paragraph
22 (2) are no longer authorized beginning on the date
23 of enactment of this Act.

24 (2) AREAS DESCRIBED.—The areas described in
25 this paragraph are—

1 (A) beginning at a point N. 3056139.82,
2 E. 851780.21;

3 (B) running southwesterly about 156.88
4 feet to a point N. 3055997.75, E. 851713.67;

5 (C) running southwesterly about 64.59 feet
6 to a point N. 3055959.37, E. 851661.72;

7 (D) running southwesterly about 145.14
8 feet to a point N. 3055887.10, E. 851535.85;

9 (E) running southwesterly about 204.91
10 feet to a point N. 3055855.12, E. 851333.45;

11 (F) running northwesterly about 423.50
12 feet to a point N. 3055976.70, E. 850927.78;

13 (G) running northwesterly about 58.77 feet
14 to a point N. 3056002.99, E. 850875.21;

15 (H) running northwesterly about 240.57
16 feet to a point N. 3056232.82, E. 850804.14;

17 (I) running northwesterly about 203.60
18 feet to a point N. 3056435.41, E. 850783.93;

19 (J) running northwesterly about 78.63 feet
20 to a point N. 3056499.63, E. 850738.56;

21 (K) running northwesterly about 60.00
22 feet to a point N. 3056526.30, E. 850684.81;

23 (L) running southwesterly about 85.56 feet
24 to a point N. 3056523.33, E. 850599.31;

1 (M) running southwesterly about 36.20
 2 feet to a point N. 3056512.37, E. 850564.81;
 3 (N) running southwesterly about 80.10
 4 feet to a point N. 3056467.08, E. 850498.74;
 5 (O) running southwesterly about 169.05
 6 feet to a point N. 3056334.36, E. 850394.03;
 7 (P) running northwesterly about 48.52 feet
 8 to a point N. 3056354.38, E. 850349.83;
 9 (Q) running northeasterly about 83.71 feet
 10 to a point N. 3056436.35, E. 850366.84;
 11 (R) running northeasterly about 212.38
 12 feet to a point N. 3056548.70, E. 850547.07;
 13 (S) running northeasterly about 47.60 feet
 14 to a point N. 3056563.12, E. 850592.43;
 15 (T) running northeasterly about 101.16
 16 feet to a point N. 3056566.62, E. 850693.53;
 17 (U) running southeasterly about 80.22 feet
 18 to a point N. 3056530.97, E. 850765.40;
 19 (V) running southeasterly about 99.29 feet
 20 to a point N. 3056449.88, E. 850822.69;
 21 (W) running southeasterly about 210.12
 22 feet to a point N. 3056240.79, E. 850843.54;
 23 (X) running southeasterly about 219.46
 24 feet to a point N. 3056031.13, E. 850908.38;

1 (Y) running southeasterly about 38.23 feet
2 to a point N. 3056014.02, E. 850942.57;

3 (Z) running southeasterly about 410.93
4 feet to a point N. 3055896.06, E. 851336.21;

5 (AA) running northeasterly about 188.43
6 feet to a point N. 3055925.46, E. 851522.33;

7 (BB) running northeasterly about 135.47
8 feet to a point N. 3055992.91, E. 851639.80;

9 (CC) running northeasterly about 52.15
10 feet to a point N. 3056023.90, E. 851681.75;

11 and

12 (DD) running northeasterly about 91.57
13 feet to a point N. 3056106.82, E. 851720.59.

14 (g) HANNIBAL SMALL BOAT HARBOR, HANNIBAL,
15 MISSOURI.—The project for navigation at Hannibal Small
16 Boat Harbor on the Mississippi River, Hannibal, Missouri,
17 authorized by section 101 of the River and Harbor Act
18 of 1950 (Public Law 81–516; 64 Stat. 166, chapter 188),
19 is no longer authorized beginning on the date of enactment
20 of this Act, and any maintenance requirements associated
21 with the project are terminated.

22 (h) PORT OF CASCADE LOCKS, OREGON.—

23 (1) TERMINATION OF PORTIONS OF EXISTING
24 FLOWAGE EASEMENT.—

1 (A) DEFINITION OF FLOWAGE EASE-
2 MENT.—In this paragraph, the term “flowage
3 easement” means the flowage easements identi-
4 fied as tracts 302E–1 and 304E–1 on the ease-
5 ment deeds recorded as instruments in Hood
6 River County, Oregon, as follows:

7 (i) A flowage easement dated October
8 3, 1936, recorded December 1, 1936, book
9 25 at page 531 (records of Hood River
10 County, Oregon), in favor of United States
11 (302E–1–Perpetual Flowage Easement
12 from October 5, 1937, October 5, 1936,
13 and October 3, 1936) (previously acquired
14 as tracts OH–36 and OH–41 and a por-
15 tion of tract OH–47).

16 (ii) A flowage easement recorded Oc-
17 tober 17, 1936, book 25 at page 476
18 (records of Hood River County, Oregon),
19 in favor of the United States, that affects
20 that portion below the 94-foot contour line
21 above main sea level (304 E–1–Perpetual
22 Flowage Easement from August 10, 1937
23 and October 3, 1936) (previously acquired
24 as tract OH–42 and a portion of tract
25 OH–47).

1 (B) TERMINATION.—With respect to the
 2 properties described in paragraph (2), begin-
 3 ning on the date of enactment of this Act, the
 4 flowage easements are terminated above ele-
 5 vation 82.4 feet (NGVD29), the ordinary high
 6 water mark.

7 (2) AFFECTED PROPERTIES.—The properties
 8 described in this paragraph, as recorded in Hood
 9 River, County, Oregon, are as follows:

10 (A) Lots 3, 4, 5, and 7 of the “Port of
 11 Cascade Locks Business Park” subdivision, in-
 12 strument #2014–00436.

13 (B) Parcels 1, 2, and 3 of Hood River
 14 County Partition plat No. 2008–25P.

15 (3) FEDERAL LIABILITIES; CULTURAL, ENVI-
 16 RONMENTAL, OTHER REGULATORY REVIEWS.—

17 (A) FEDERAL LIABILITY.—The United
 18 States shall not be liable for any injury caused
 19 by the termination of the easement under this
 20 subsection.

21 (B) CULTURAL AND ENVIRONMENTAL
 22 REGULATORY ACTIONS.—Nothing in this sub-
 23 section establishes any cultural or environ-
 24 mental regulation relating to the properties de-
 25 scribed in paragraph (2).

1 (4) EFFECT ON OTHER RIGHTS.—Nothing in
2 this subsection affects any remaining right or inter-
3 est of the Corps of Engineers in the properties de-
4 scribed in paragraph (2).

5 (i) DECLARATIONS OF NON-NAVIGABILITY FOR POR-
6 TIONS OF THE DELAWARE RIVER, PHILADELPHIA, PENN-
7 SYLVANIA.—

8 (1) IN GENERAL.—Subject to paragraphs (2)
9 and (3), unless the Secretary determines, after con-
10 sultation with local and regional public officials (in-
11 cluding local and regional project planning organiza-
12 tions), that there are substantive objections, the fol-
13 lowing portions of the Delaware River, bounded by
14 the former bulkhead and pierhead lines established
15 by the Secretary of War and successors, are declared
16 to be non-navigable waters of the United States:

17 (A) Piers 70 South through 38 South, en-
18 compassing an area bounded by the southern
19 line of Moore Street extended to the northern
20 line of Catherine Street extended, including the
21 following piers: Piers 70, 68, 67, 64, 61–63, 60,
22 57, 55, 46, 48, 40, and 38.

23 (B) Piers 24 North through 72 North, en-
24 compassing an area bounded by the southern
25 line of Callowhill Street extended to the north-

ern line of East Fletcher Street extended, including the following piers: 24, 25, 27–35, 35.5, 36, 37, 38, 39, 49, 51–52, 53–57, 58–65, 66, 67, 69, 70–72, and Rivercenter.

(2) DETERMINATION.—The Secretary shall make the determination under paragraph (1) separately for each portion of the Delaware River described in subparagraphs (A) and (B) of paragraph (1), using reasonable discretion, by not later than 150 days after the date of submission of appropriate plans for that portion.

(3) LIMITS ON APPLICABILITY.—

(A) IN GENERAL.—Paragraph (1) applies only to those parts of the areas described in that paragraph that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina and recreation facilities.

(B) OTHER FEDERAL LAWS.—Any work described in subparagraph (A) shall be subject to all applicable Federal law (including regulations), including—

(i) sections 9 and 10 of the Act of March 3, 1899 (commonly known as the

1 “River and Harbors Appropriation Act of
2 1899”) (33 U.S.C. 401, 403);

3 (ii) section 404 of the Federal Water
4 Pollution Control Act (33 U.S.C. 1344);
5 and

6 (iii) the National Environmental Pol-
7 icy Act of 1969 (42 U.S.C. 4321 et seq.).

8 (j) SALT CREEK, GRAHAM, TEXAS.—

9 (1) IN GENERAL.—The project for flood con-
10 trol, environmental restoration, and recreation, Salt
11 Creek, Graham, Texas, authorized by section
12 101(a)(30) of the Water Resources Development Act
13 of 1999 (Public Law 106–53; 113 Stat. 278–279),
14 is no longer authorized as a Federal project begin-
15 ning on the date of enactment of this Act.

16 (2) CERTAIN PROJECT-RELATED CLAIMS.—The
17 non-Federal sponsor for the project described in
18 paragraph (1) shall hold and save the United States
19 harmless from any claim that has arisen, or that
20 may arise, in connection with the project.

21 (3) TRANSFER.—The Secretary is authorized to
22 transfer any land acquired by the Federal Govern-
23 ment for the project on behalf of the non-Federal
24 sponsor that remains in Federal ownership on or

1 after the date of enactment of this Act to the non-
 2 Federal sponsor.

3 (4) REVERSION.—If the Secretary determines
 4 that the land that is integral to the project described
 5 in paragraph (1) ceases to be owned by the public,
 6 all right, title, and interest in and to the land and
 7 improvements shall revert, at the discretion of the
 8 Secretary, to the United States.

9 (k) NEW SAVANNAH BLUFF LOCK AND DAM, GEOR-
 10 GIA AND SOUTH CAROLINA.—

11 (1) DEFINITIONS.—In this subsection:

12 (A) NEW SAVANNAH BLUFF LOCK AND
 13 DAM.—The term “New Savannah Bluff Lock
 14 and Dam” has the meaning given the term in
 15 section 348(l)(1) of the Water Resources Devel-
 16 opment Act of 2000 (114 Stat. 2630) (as in ef-
 17 fect on the day before the date of enactment of
 18 this Act).

19 (B) PROJECT.—The term “Project” means
 20 the project for navigation, Savannah Harbor ex-
 21 pansion, Georgia, authorized by section 7002(1)
 22 of the Water Resources Reform and Develop-
 23 ment Act of 2014 (128 Stat. 1364).

24 (2) DEAUTHORIZATION.—

1 (A) IN GENERAL.—Effective beginning on
2 the date of enactment of this Act—

3 (i) the New Savannah Bluff Lock and
4 Dam is deauthorized; and

5 (ii) notwithstanding section
6 348(l)(2)(B) of the Water Resources De-
7 velopment Act of 2000 (114 Stat. 2630;
8 114 Stat. 2763A–228) (as in effect on the
9 day before the date of enactment of this
10 Act) or any other provision of law, the
11 New Savannah Bluff Lock and Dam shall
12 not be conveyed to the city of North Au-
13 gusta and Aiken County, South Carolina,
14 or any other non-Federal entity.

15 (B) REPEAL.—Section 348 of the Water
16 Resources Development Act of 2000 (114 Stat.
17 2630; 114 Stat. 2763A–228) is amended—

18 (i) by striking subsection (l); and

19 (ii) by redesignating subsections (m)
20 and (n) as subsections (l) and (m), respec-
21 tively.

22 (3) PROJECT MODIFICATIONS.—

23 (A) IN GENERAL.—Notwithstanding any
24 other provision of law, the Project is modified

1 to include, as the Secretary determines to be
2 necessary—

3 (i)(I) repair of the lock wall of the
4 New Savannah Bluff Lock and Dam and
5 modification of the structure such that the
6 structure is able—

7 (aa) to maintain the pool for
8 navigation, water supply, and rec-
9 reational activities, as in existence on
10 the date of enactment of this Act; and

11 (bb) to allow safe passage via a
12 rock ramp over the structure to his-
13 toric spawning grounds of Shortnose
14 sturgeon, Atlantic sturgeon, and other
15 migratory fish; or

16 (II)(aa) construction at an appro-
17 priate location across the Savannah River
18 of a rock weir that is able to maintain the
19 pool for water supply and recreational ac-
20 tivities, as in existence on the date of en-
21 actment of this Act; and

22 (bb) removal of the New Savannah
23 Bluff Lock and Dam on completion of con-
24 struction of the weir; and

1 (ii) conveyance by the Secretary to
 2 Augusta-Richmond County, Georgia, of the
 3 park and recreation area adjacent to the
 4 New Savannah Bluff Lock and Dam, with-
 5 out consideration.

6 (B) OPERATION AND MAINTENANCE
 7 COSTS.—The Federal share of the costs of oper-
 8 ation and maintenance of any Project feature
 9 constructed pursuant to subparagraph (A) shall
 10 be 100 percent.

11 **SEC. 5002. CONVEYANCES.**

12 (a) PEARL RIVER, MISSISSIPPI AND LOUISIANA.—

13 (1) IN GENERAL.—The project for navigation,
 14 Pearl River, Mississippi and Louisiana, authorized
 15 by the first section of the Act of August 30, 1935
 16 (49 Stat. 1033, chapter 831) and section 101 of the
 17 River and Harbor Act of 1966 (Public Law 89–789;
 18 80 Stat. 1405), is no longer authorized as a Federal
 19 project beginning on the date of enactment of this
 20 Act.

21 (2) TRANSFER.—

22 (A) IN GENERAL.—Subject to subpara-
 23 graphs (B) and (C), the Secretary is authorized
 24 to convey to a State or local interest, without

1 consideration, all right, title, and interest of the
2 United States in and to—

3 (i) any land in which the Federal Gov-
4 ernment has a property interest for the
5 project described in paragraph (1); and

6 (ii) improvements to the land de-
7 scribed in clause (i).

8 (B) RESPONSIBILITY FOR COSTS.—The
9 transferee shall be responsible for the payment
10 of all costs and administrative expenses associ-
11 ated with any transfer carried out pursuant to
12 subparagraph (A), including costs associated
13 with any land survey required to determine the
14 exact acreage and legal description of the land
15 and improvements to be transferred.

16 (C) OTHER TERMS AND CONDITIONS.—A
17 transfer under subparagraph (A) shall be sub-
18 ject to such other terms and conditions as the
19 Secretary determines to be necessary and ap-
20 propriate to protect the interests of the United
21 States.

22 (3) REVERSION.—If the Secretary determines
23 that the land and improvements conveyed under
24 paragraph (2) ceases to be owned by the public, all
25 right, title, and interest in and to the land and im-

1 improvements shall revert, at the discretion of the Sec-
 2 retary, to the United States.

3 (b) SARDIS LAKE, MISSISSIPPI.—

4 (1) IN GENERAL.—The Secretary is authorized
 5 to convey to the lessee, at full fair market value, all
 6 right, title and interest of the United States in and
 7 to the property identified in the leases numbered
 8 DACW38-1-15-7, DACW38-1-15-33, DACW38-
 9 1-15-34, and DACW38-1-15-38, subject to such
 10 terms and conditions as the Secretary determines to
 11 be necessary and appropriate to protect the interests
 12 of the United States.

13 (2) EASEMENT AND RESTRICTIVE COVENANT.—
 14 The conveyance under paragraph (1) shall include—

15 (A) a restrictive covenant to require the
 16 approval of the Secretary for any substantial
 17 change in the use of the property; and

18 (B) a flowage easement.

19 (c) PENSACOLA DAM AND RESERVOIR, GRAND
 20 RIVER, OKLAHOMA.—

21 (1) IN GENERAL.—Notwithstanding the Act of
 22 June 28, 1938 (52 Stat. 1215, chapter 795), as
 23 amended by section 3 of the Act of August 18, 1941
 24 (55 Stat. 645, chapter 377), and notwithstanding
 25 section 3 of the Act of July 31, 1946 (60 Stat. 744,

1 chapter 710), the Secretary shall convey, by quit-
2 claim deed and without consideration, to the Grand
3 River Dam Authority, an agency of the State of
4 Oklahoma, for flood control purposes, all right, title,
5 and interest of the United States in and to real
6 property under the administrative jurisdiction of the
7 Secretary acquired in connection with the Pensacola
8 Dam project, together with any improvements on the
9 property.

10 (2) FLOOD CONTROL PURPOSES.—If any inter-
11 est in the real property described in paragraph (1)
12 ceases to be managed for flood control or other pub-
13 lic purposes and is conveyed to a non-public entity,
14 the transferee, as part of the conveyance, shall pay
15 to the United States the fair market value for the
16 interest.

17 (3) NO EFFECT.—Nothing in this subsection—

18 (A) amends, modifies, or repeals any exist-
19 ing authority vested in the Federal Energy Reg-
20 ulatory Commission; or

21 (B) amends, modifies, or repeals any au-
22 thority of the Secretary or the Chief of Engi-
23 neers pursuant to section 7 of the Act of De-
24 cember 22, 1944 (33 U.S.C. 709).

1 (d) JOE POOL LAKE, TEXAS.—The Secretary shall
2 accept from the Trinity River Authority of Texas, if re-
3 ceived by December 31, 2016, \$31,233,401 as payment
4 in full of amounts owed to the United States, including
5 any accrued interest, for the approximately 61,747.1 acre-
6 feet of water supply storage space in Joe Pool Lake, Texas
7 (previously known as Lakeview Lake), for which payment
8 has not commenced under Article 5.a (relating to project
9 investment costs) of contract number DACW63-76-C-
10 0106 as of the date of enactment of this Act.

11 (e) WEBER BASIN PROJECT, UTAH.—

12 (1) IN GENERAL.—The Secretary of the Inte-
13 rior shall allow for the prepayment of repayment ob-
14 ligations under the repayment contract numbered
15 14-06-400-33 between the United States and the
16 Weber Basin Water Conservancy District (referred
17 to in this subsection as the “District”), dated De-
18 cember 12, 1952, and supplemented and amended
19 on June 30, 1961, on April 15, 1966, on September
20 20, 1968, and on May 9, 1985, including any other
21 amendments and all related applicable contracts to
22 the repayment contract, providing for repayment of
23 Weber Basin Project construction costs allocated to
24 irrigation and municipal and industrial purposes for
25 which repayment is provided pursuant to the repay-

1 ment contract under terms and conditions similar to
2 the terms and conditions used in implementing the
3 prepayment provisions in section 210 of the Central
4 Utah Project Completion Act (Public Law 102–575;
5 106 Stat. 4624) for prepayment of Central Utah
6 Project, Bonneville Unit repayment obligations.

7 (2) AUTHORIZATIONS AND REQUIREMENTS.—

8 The prepayment authorized under paragraph (1)—

9 (A) shall result in the United States recov-
10 ering the net present value of all repayment
11 streams that would have been payable to the
12 United States if this section was not in effect;

13 (B) may be provided in several install-
14 ments;

15 (C) may not be adjusted on the basis of
16 the type of prepayment financing used by the
17 District; and

18 (D) shall be made in a manner that pro-
19 vides that total repayment is made not later
20 than September 30, 2026.

1 **TITLE VI—WATER RESOURCES**
2 **INFRASTRUCTURE**

3 **SEC. 6001. AUTHORIZATION OF FINAL FEASIBILITY STUD-**
4 **IES.**

5 The following final feasibility studies for water re-
6 sources development and conservation and other purposes
7 are authorized to be carried out by the Secretary substan-
8 tially in accordance with the plan, and subject to the con-
9 ditions, described in the respective reports designated in
10 this section:

11 (1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Brazos Island Harbor	November 3, 2014	Federal: \$116,116,000 Non-Federal: \$135,836,000 Total: \$251,952,000
2. LA	Calcasieu Lock	December 2, 2014	Federal: \$16,700,000 Non-Federal: \$0 Total: \$16,700,000
3. NH, ME	Portsmouth Har- bor and Piscataqua River	February 8, 2015	Federal: \$15,580,000 Non-Federal: \$5,190,000 Total: \$20,770,000
4. KY	Green River Locks and Dams 3, 4, 5, and 6 and Barren River Lock and Dam 1 Disposition	April 30, 2015	Federal: \$0 Non-Federal: \$0 Total: \$0
5. FL	Port Everglades	June 25, 2015	Federal: \$220,200,000 Non-Federal: \$102,500,000 Total: \$322,700,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
6. AK	Little Diomedes	August 10, 2015	Federal: \$26,015,000 Non-Federal: \$2,945,000 Total: \$28,960,000
7. SC	Charleston Harbor	September 8, 2015	Federal: \$224,300,000 Non-Federal: \$269,000,000 Total: \$493,300,000
8. AK	Craig Harbor	March 16, 2016	Federal: \$29,062,000 Non-Federal: \$3,255,000 Total: \$32,317,000
9. PA	Upper Ohio River, Allegheny and Beaver Counties	September 12, 2016	Federal: \$1,324,235,500 Non-Federal: \$1,324,235,500 Total: \$2,648,471,000

1 (2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Leon Creek Watershed, San Antonio	June 30, 2014	Federal: \$18,314,000 Non-Federal: \$9,861,000 Total: \$28,175,000
2. MO, KS	Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas City	January 27, 2015	Federal: \$207,036,000 Non-Federal: \$111,481,000 Total: \$318,517,000
3. KS	City of Manhattan	April 30, 2015	Federal: \$15,440,100 Non-Federal: \$8,313,900 Total: \$23,754,000
4. KS	Upper Turkey Creek Basin	December 22, 2015	Federal: \$24,584,000 Non-Federal: \$13,238,000 Total: \$37,822,000
5. NC	Princeville	February 23, 2016	Federal: \$14,001,000 Non-Federal: \$7,539,000 Total: \$21,540,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
6. CA	West Sacramento	April 26, 2016	Federal: \$776,517,000 Non-Federal: \$414,011,000 Total: \$1,190,528,000
7. CA	American River Watershed Common Fea- tures	April 26, 2016	Federal: \$876,478,000 Non-Federal: \$689,272,000 Total: \$1,565,750,000
8. TN	Mill Creek, Nash- ville	October 15, 2015	Federal: \$17,759,000 Non-Federal: \$10,745,000 Total: \$28,504,000

1 (3) HURRICANE AND STORM DAMAGE RISK RE-
2 DUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
1. SC	Edisto Beach, Colleton County	September 5, 2014	Initial Federal: \$13,733,850 Initial Non-Federal: \$7,395,150 Initial Total: \$21,129,000 Renourishment Federal: \$16,371,000 Renourishment Non-Federal: \$16,371,000 Renourishment Total: \$32,742,000
2. FL	Flagler County	December 23, 2014	Initial Federal: \$9,218,300 Initial Non-Federal: \$4,963,700 Initial Total: \$14,182,000 Renourishment Federal: \$15,390,000 Renourishment Non-Federal: \$15,390,000 Renourishment Total: \$30,780,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
3. NC	Bogue Banks, Carteret County	December 23, 2014	Initial Federal: \$24,263,000 Initial Non-Federal: \$13,064,000 Initial Total: \$37,327,000 Renourishment Federal: \$114,728,000 Renourishment Non-Federal: \$114,728,000 Renourishment Total: \$229,456,000
4. NJ	Hereford Inlet to Cape May Inlet, New Jersey Shoreline Protection Project, Cape May County	January 23, 2015	Initial Federal: \$14,040,000 Initial Non-Federal: \$7,560,000 Initial Total: \$21,600,000 Renourishment Federal: \$41,215,000 Renourishment Non-Federal: \$41,215,000 Renourishment Total: \$82,430,000
5. LA	West Shore Lake Pontchartrain	June 12, 2015	Federal: \$466,760,000 Non-Federal: \$251,330,000 Total: \$718,090,000
6. CA	Encinitas-Solana Beach Coastal Storm Damage Reduction	April 29, 2016	Initial Federal: \$20,166,000 Initial Non-Federal: \$10,858,000 Initial Total: \$31,024,000 Renourishment Federal: \$68,215,000 Renourishment Non-Federal: \$68,215,000 Renourishment Total: \$136,430,000
7. LA	Southwest Coastal Louisiana	July 29, 2016	Federal: \$2,011,279,000 Non-Federal: \$1,082,997,000 Total: \$3,094,276,000

1 (4) FLOOD RISK MANAGEMENT AND ENVIRON-
2 MENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. IL, WI	Upper Des Plaines River and Tributaries	June 8, 2015	Federal: \$199,393,000 Non-Federal: \$107,694,000 Total: \$307,087,000
2. CA	South San Francisco Bay Shoreline	December 18, 2015	Federal: \$69,521,000 Non-Federal: \$104,379,000 Total: \$173,900,000

1 (5) ENVIRONMENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. FL	Central Everglades Planning Project, Comprehensive Everglades Restoration Plan, Central and Southern Florida Project	December 23, 2014	Federal: \$976,375,000 Non-Federal: \$974,625,000 Total: \$1,951,000,000
2. OR	Lower Willamette River Environmental Dredging	December 14, 2015	Federal: \$19,143,000 Non-Federal: \$10,631,000 Total: \$29,774,000
3. WA	Skokomish River	December 14, 2015	Federal: \$12,782,000 Non-Federal: \$6,882,000 Total: \$19,664,000
4. CA	LA River Ecosystem Restoration	December 18, 2015	Federal: \$375,773,000 Non-Federal: \$980,835,000 Total: \$1,356,608,000

2 (6) SPECIAL RULE.—The portion of the Mill
3 Creek Flood Risk Management project authorized by
4 paragraph (2) that consists of measures within the
5 Mill Creek Basin shall be carried out pursuant to

1 section 205 of the Flood Control Act of 1948 (33
2 U.S.C. 701s).

3 **SEC. 6002. AUTHORIZATION OF PROJECT MODIFICATIONS**

4 **RECOMMENDED BY THE SECRETARY.**

5 The following project modifications for water re-
6 sources development and conservation and other purposes
7 are authorized to be carried out by the Secretary substan-
8 tially in accordance with the recommendations of the Di-
9 rector of Civil Works, as specified in the reports referred
10 to in this section:

A. State	B. Name	C. Date of Di- rector's Re- port	D. Updated Author- ization Project Costs
1. KS, MO	Turkey Creek Basin	November 4, 2015	Estimated Federal: \$97,067,750 Estimated Non-Federal: \$55,465,250 Total: \$152,533,000
2. MO	Blue River Basin	November 6, 2015	Estimated Federal: \$34,860,000 Estimated Non-Federal: \$11,620,000 Total: \$46,480,000
3. FL	Picayune Strand	March 9, 2016	Estimated Federal: \$308,983,000 Estimated Non-Federal: \$308,983,000 Total: \$617,967,000
4. KY	Ohio River Shoreline	March 11, 2016	Estimated Federal: \$20,309,900 Estimated Non-Federal: \$10,936,100 Total: \$31,246,000

A. State	B. Name	C. Date of Director's Report	D. Updated Authorization Project Costs
5. TX	Houston Ship Channel	May 13, 2016	Estimated Federal: \$381,032,000 Estimated Non-Federal: \$127,178,000 Total: \$508,210,000
6. AZ	Rio de Flag, Flagstaff	June 22, 2016	Estimated Federal: \$65,514,650 Estimated Non-Federal: \$35,322,350 Total: \$100,837,000
7. MO	Swope Park Industrial Area, Blue River	April 21, 2016	Estimated Federal: \$20,205,250 Estimated Non-Federal: \$10,879,750 Total: \$31,085,000

1 **SEC. 6003. AUTHORIZATION OF STUDY AND MODIFICATION**
2 **PROPOSALS SUBMITTED TO CONGRESS BY**
3 **THE SECRETARY.**

4 (a) ARCTIC DEEP DRAFT PORT DEVELOPMENT
5 PARTNERSHIPS.—Section 2105 of the Water Resources
6 Reform and Development Act of 2014 (33 U.S.C. 2243)
7 is amended—

8 (1) by striking “(25 U.S.C. 450b))” each place
9 it appears and inserting “(25 U.S.C. 5304)) and a
10 Native village, Regional Corporation, or Village Cor-
11 poration (as those terms are defined in section 3 of
12 the Alaska Native Claims Settlement Act (43 U.S.C.
13 1602)”;

14 (2) by adding at the end the following:

1 “(e) CONSIDERATION OF NATIONAL SECURITY IN-
2 TERESTS.—In carrying out a study of the feasibility of
3 an Arctic deep draft port, the Secretary—

4 “(1) shall consult with the Secretary of Home-
5 land Security and the Secretary of Defense to iden-
6 tify national security benefits associated with an
7 Arctic deep draft port; and

8 “(2) if appropriate, as determined by the Sec-
9 retary, may determine a port described in paragraph
10 (1) is feasible based on the benefits described in that
11 paragraph.”.

12 (b) OUACHITA-BLACK RIVERS, ARKANSAS AND LOU-
13 ISIANA.—The Secretary shall conduct a study to deter-
14 mine the feasibility of modifying the project for naviga-
15 tion, Ouachita-Black Rivers, authorized by section 101 of
16 the River and Harbor Act of 1960 (Public Law 86–645;
17 74 Stat. 481) to include bank stabilization and water sup-
18 ply as project purposes.

19 (c) CACHE CREEK BASIN, CALIFORNIA.—

20 (1) IN GENERAL.—The Secretary shall prepare
21 a general reevaluation report on the project for flood
22 control, Cache Creek Basin, California, authorized
23 by section 401(a) of the Water Resources Develop-
24 ment Act of 1986 (Public Law 99–662; 100 Stat.
25 4112).

1 (2) REQUIREMENTS.—In preparing the report
2 under paragraph (1), the Secretary shall identify
3 specific needed modifications to existing project au-
4 thorities—

5 (A) to increase basin capacity;

6 (B) to decrease the long-term maintenance;

7 and

8 (C) to provide opportunities for ecosystem
9 benefits for the Sacramento River flood control
10 project.

11 (d) COYOTE VALLEY DAM, CALIFORNIA.—The Sec-
12 retary shall conduct a study to determine the feasibility
13 of carrying out a project for flood damage reduction, envi-
14 ronmental restoration, and water supply by modifying the
15 Coyote Valley Dam, California.

16 (e) DEL ROSA DRAINAGE AREA, CALIFORNIA.—The
17 Secretary shall conduct a study to determine the feasibility
18 of carrying out projects for flood control and ecosystem
19 restoration in the cities of San Bernardino and Highland,
20 San Bernardino County, California.

21 (f) MERCED COUNTY, CALIFORNIA.—The Secretary
22 shall prepare a general reevaluation report on the project
23 for flood control, Merced County streams project, Cali-
24 fornia, authorized by section 10 of the Act of December
25 22, 1944 (58 Stat. 900; chapter 665), to investigate the

1 flood risk management opportunities and improve levee
2 performance along Black Rascal Creek and Bear Creek.

3 (g) MISSION-ZANJA DRAINAGE AREA, CALI-
4 FORNIA.—The Secretary shall conduct a study to deter-
5 mine the feasibility of carrying out projects for flood con-
6 trol and ecosystem restoration in the cities of Redlands,
7 Loma Linda, and San Bernardino, California, and unin-
8 corporated counties of San Bernardino County, California.

9 (h) SANTA ANA RIVER BASIN, CALIFORNIA.—The
10 Secretary shall conduct a study to determine the feasibility
11 of modifying the project for flood damage reduction by
12 modifying the San Jacinto and Bautista Creek Improve-
13 ment Project, part of the Santa Ana River Basin Project
14 in Riverside County, California.

15 (i) DELAWARE BAY COASTLINE, DELAWARE AND
16 NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELA-
17 WARE.—The Secretary shall conduct a study to determine
18 the feasibility of modifying the project for shoreline pro-
19 tection and ecosystem restoration, Delaware Bay Coast-
20 line, Delaware and New Jersey-Roosevelt Inlet-Lewes
21 Beach, Delaware, authorized by section 101(a)(13) of the
22 Water Resources Development Act of 1999 (Public Law
23 106–53; 113 Stat. 276), to extend the authorized project
24 limit from the current eastward terminus to a distance of
25 8,000 feet east of the Roosevelt Inlet east jetty.

1 (j) MISPELLION INLET, CONCH BAR, DELAWARE.—
 2 The Secretary shall conduct a study to determine the fea-
 3 sibility of carrying out a project for navigation and shore-
 4 line protection at Mispillion Inlet and Conch Bar, Sussex
 5 County, Delaware.

6 (k) DAYTONA BEACH FLOOD PROTECTION, FLOR-
 7 IDA.—The Secretary shall conduct a study to determine
 8 the feasibility of carrying out projects for flood control in
 9 the city of Daytona Beach, Florida.

10 (l) BRUNSWICK HARBOR, GEORGIA.—The Secretary
 11 shall conduct a study to determine the feasibility of modi-
 12 fying the project for navigation, Brunswick Harbor, Geor-
 13 gia, authorized by section 101(a)(19) of the Water Re-
 14 sources and Development Act of 1999 (Public Law 106—
 15 53; 113 Stat. 277)—

16 (1) to widen the existing bend in the Federal
 17 navigation channel at the intersection of Cedar
 18 Hammock and Brunswick Point Cut Ranges; and

19 (2) to extend the northwest side of the existing
 20 South Brunswick River Turning Basin.

21 (m) SAVANNAH RIVER BELOW AUGUSTA, GEOR-
 22 GIA.—The Secretary shall conduct a study to determine
 23 the feasibility of modifying the project for navigation, Sa-
 24 vannah River below Augusta, Georgia, authorized by the
 25 first section of the Act of July 3, 1930 (46 Stat. 924,

1 chapter 847), to include aquatic ecosystem restoration,
2 water supply, recreation, sediment management, and flood
3 control as project purposes.

4 (n) DUBUQUE, IOWA.—The Secretary shall conduct
5 a study to determine the feasibility of modifying the
6 project for flood protection, Dubuque, Iowa, authorized by
7 section 208 of the Flood Control Act of 1965 (Public Law
8 89–298; 79 Stat. 1086), to increase the level of flood pro-
9 tection and reduce flood damages.

10 (o) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO
11 BATON ROUGE, LOUISIANA.—The Secretary shall conduct
12 a study to determine the feasibility of modifying the
13 project for navigation, Mississippi River Ship Channel,
14 Gulf to Baton Rouge, Louisiana, authorized by section
15 201(a) of the Harbor Development and Navigation Im-
16 provement Act of 1986 (Public Law 99–662; 100 Stat.
17 4090), to deepen the channel approaches and the associ-
18 ated area on the left descending bank of the Mississippi
19 River between mile 98.3 and mile 100.6 Above Head of
20 Passes (AHP) to a depth equal to the Channel.

21 (p) ST. TAMMANY PARISH GOVERNMENT COM-
22 PREHENSIVE COASTAL MASTER PLAN, LOUISIANA.—The
23 Secretary shall conduct a study to determine the feasibility
24 of carrying out projects described in the St. Tammany
25 Parish Comprehensive Coastal Master Plan for flood con-

1 trol, shoreline protection, and ecosystem restoration in St.
 2 Tammany Parish, Louisiana.

3 (q) CAYUGA INLET, ITHACA, NEW YORK.—The Sec-
 4 retary shall conduct a study to determine the feasibility
 5 of modifying the project for flood protection, Great Lakes
 6 Basin, authorized by section 203 of the Flood Control Act
 7 of 1960 (Public Law 86–645; 74 Stat. 488) to include
 8 sediment management as a project purpose on the Cayuga
 9 Inlet, Ithaca, New York.

10 (r) CHAUTAUQUA COUNTY, NEW YORK.—

11 (1) IN GENERAL.—The Secretary shall conduct
 12 a study to determine the feasibility of carrying out
 13 projects for flood risk management, navigation, envi-
 14 ronmental dredging, and ecosystem restoration on
 15 the Cattaraugus, Silver Creek, and Chautauqua
 16 Lake tributaries in Chautauqua County, New York.

17 (2) EVALUATION OF POTENTIAL SOLUTIONS.—
 18 In conducting the study under paragraph (1), the
 19 Secretary shall evaluate potential solutions to flood-
 20 ing from all sources, including flooding that results
 21 from ice jams.

22 (s) DELAWARE RIVER BASIN, NEW YORK, NEW JER-
 23 SEY, PENNSYLVANIA, DELAWARE.—The Secretary shall
 24 conduct a study to determine the feasibility of modifying
 25 the operations of the projects for flood control, Delaware

1 River Basin, New York, New Jersey, Pennsylvania, and
2 Delaware, authorized by section 10 of the Flood Control
3 Act of 1946 (60 Stat. 644, chapter 596), and section 203
4 of the Flood Control Act of 1962 (Public Law 87–874;
5 76 Stat. 1182), to enhance opportunities for ecosystem
6 restoration and water supply.

7 (t) CINCINNATI, OHIO.—

8 (1) REVIEW.—The Secretary shall review the
9 Central Riverfront Park Master Plan, dated Decem-
10 ber 1999, and the Ohio Riverfront Study, Cin-
11 cinnati, Ohio, dated August 2002, to determine the
12 feasibility of carrying out flood risk reduction, eco-
13 system restoration, and recreation components be-
14 yond the ecosystem restoration and recreation com-
15 ponents that were undertaken pursuant to section
16 5116 of the Water Resources Development Act of
17 2007 (Public Law 110–114; 121 Stat. 1238) as a
18 second phase of that project.

19 (2) AUTHORIZATION.—The project authorized
20 under section 5116 of the Water Resources Develop-
21 ment Act of 2007 (Public Law 110–114; 121 Stat.
22 1238) is modified to authorize the Secretary to un-
23 dertake the additional flood risk reduction and eco-
24 system restoration components described in para-
25 graph (1), at a total cost of \$30,000,000, if the Sec-

1 retary determines that the additional flood risk re-
2 duction, ecosystem restoration, and recreation com-
3 ponents, considered together, are feasible.

4 (u) TULSA AND WEST TULSA, ARKANSAS RIVER,
5 OKLAHOMA.—

6 (1) IN GENERAL.—The Secretary shall conduct
7 a study to determine the feasibility of modifying the
8 projects for flood risk management, Tulsa and West
9 Tulsa, Oklahoma, authorized by section 3 of the Act
10 of August 18, 1941 (55 Stat. 645; chapter 377).

11 (2) REQUIREMENTS.—

12 (A) IN GENERAL.—In carrying out the
13 study under paragraph (1), the Secretary shall
14 address project deficiencies, uncertainties, and
15 significant data gaps, including material, con-
16 struction, and subsurface, which render the
17 project at risk of overtopping, breaching, or sys-
18 tem failure.

19 (B) ADDRESSING DEFICIENCIES.—In ad-
20 dressing deficiencies under subparagraph (A),
21 the Secretary shall incorporate current design
22 standards and efficiency improvements, includ-
23 ing the replacement of mechanical and electrical
24 components at pumping stations, if the incorpo-

1 ration does not significantly change the scope,
2 function, or purpose of the project.

3 (3) PRIORITIZATION TO ADDRESS SIGNIFICANT
4 RISKS.—In any case in which a levee or levee system
5 (as defined in section 9002 of the Water Resources
6 Reform and Development Act of 2007 (33 U.S.C.
7 3301)) is classified as a Class I or II under the levee
8 safety action classification tool developed by the
9 Corps of Engineers, the Secretary shall expedite the
10 project for budget consideration.

11 (v) JOHNSTOWN, PENNSYLVANIA.—The Secretary
12 shall conduct a study to determine the feasibility of modi-
13 fying the project for flood control, Johnstown, Pennsyl-
14 vania, authorized by the Act of June 22, 1936 (49 Stat.
15 1570, chapter 688; 50 Stat. 880) (commonly known as
16 the “Flood Control Act of 1936”), to include aquatic eco-
17 system restoration, recreation, sediment management, and
18 increase the level of flood control.

19 (w) CHACON CREEK, TEXAS.—Notwithstanding any
20 other provision of law (including any resolution of a Com-
21 mittee of Congress), the study conducted by the Secretary
22 described in the resolution adopted by the Committee on
23 Transportation and Infrastructure of the House of Rep-
24 resentatives on May 21, 2003, relating to flood damage
25 reduction, environmental restoration and protection, water

1 conservation and supply, water quality, and related pur-
2 poses in the Rio Grande Watershed below Falcon Dam,
3 shall include the area above Falcon Dam.

4 (x) CORPUS CHRISTI SHIP CHANNEL, TEXAS.—The
5 Secretary shall conduct a study to determine the feasibility
6 of modifying the project for navigation and ecosystem res-
7 toration, Corpus Christi Ship Channel, Texas, authorized
8 by section 1001(40) of the Water Resources Development
9 Act of 2007 (Public Law 110–114; 121 Stat. 1056), to
10 develop and evaluate alternatives that address navigation
11 problems directly affecting the Corpus Christi Ship Chan-
12 nel, La Quinta Channel, and La Quinta Channel Exten-
13 sion, including deepening the La Quinta Channel, 2 turn-
14 ing basins, and the wye at La Quinta Junction.

15 (y) TRINITY RIVER AND TRIBUTARIES, TEXAS.—

16 (1) REVIEW.—Not later than 180 days after
17 the date of enactment of this Act, the Secretary
18 shall review the economic analysis of the Center for
19 Economic Development and Research of the Univer-
20 sity of North Texas entitled “Estimated Economic
21 Benefits of the Modified Central City Project (Trin-
22 ity River Vision) in Fort Worth, Texas” and dated
23 November 2014.

24 (2) AUTHORIZATION.—The project for flood
25 control and other purposes on the Trinity River and

1 tributaries, Texas, authorized by the River and Har-
2 bor Act of 1965 (Public Law 89–298; 79 Stat.
3 1091), as modified by section 116 the Energy and
4 Water Development Appropriations Act, 2005 (Pub-
5 lic Law 108–447; 118 Stat. 2944), is further modi-
6 fied to authorize the Secretary to carry out projects
7 described in the recommended plan of the economic
8 analysis described in paragraph (1), if the Secretary
9 determines, based on the review referred to in para-
10 graph (1), that—

11 (A) the economic analysis and the process
12 by which the economic analysis was developed
13 complies with Federal law (including regula-
14 tions) applicable to economic analyses for water
15 resources development projects; and

16 (B) based on the economic analysis, the
17 recommended plan in the supplement to the
18 final environmental impact statement for the
19 Central City Project, Upper Trinity River enti-
20 tled “Final Supplemental No. 1” is economi-
21 cally justified.

22 (3) LIMITATION.—The Federal share of the
23 cost of the recommended plan described in para-
24 graph (2) shall not exceed \$520,000,000, of which

1 not more than \$5,500,000 may be expended to carry
2 out recreation features of the project.

3 (z) CHINCOTEAGUE ISLAND, VIRGINIA.—The Sec-
4 retary shall conduct a study to determine the feasibility
5 of carrying out projects for ecosystem restoration and
6 flood control, Chincoteague Island, Virginia, authorized by
7 section 8 of Public Law 89–195 (16 U.S.C. 459f–7) (com-
8 monly known as the “Assateague Island National Sea-
9 shore Act”) for—

10 (1) assessing the current and future function of
11 the barrier island, inlet, and coastal bay system sur-
12 rounding Chincoteague Island;

13 (2) developing an array of options for resource
14 management; and

15 (3) evaluating the feasibility and cost associated
16 with sustainable protection and restoration areas.

17 (aa) BURLEY CREEK WATERSHED, WASHINGTON.—
18 The Secretary shall conduct a study to determine the fea-
19 sibility of carrying out projects for flood control and
20 aquatic ecosystem restoration in the Burley Creek Water-
21 shed, Washington.

22 **SEC. 6004. EXPEDITED COMPLETION OF REPORTS.**

23 The Secretary shall expedite completion of the re-
24 ports for the following projects, in accordance with section
25 2045 of the Water Resources Development Act of 2007

1 (33 U.S.C. 2348), and, if the Secretary determines that
 2 a project is justified in the completed report, proceed di-
 3 rectly to project preconstruction, engineering, and design
 4 in accordance with section 910 of the Water Resources
 5 Development Act of 1986 (33 U.S.C. 2287):

6 (1) The project for navigation, St. George Har-
 7 bor, Alaska.

8 (2) The project for flood risk management,
 9 Rahway River Basin, New Jersey.

10 (3) The Hudson-Raritan Estuary Comprehen-
 11 sive Restoration Project.

12 (4) The project for navigation, Mobile Harbor,
 13 Alabama.

14 **SEC. 6005. EXTENSION OF EXPEDITED CONSIDERATION IN**
 15 **SENATE.**

16 Section 7004(b)(4) of the Water Resources Reform
 17 and Development Act of 2014 (Public Law 113–121; 128
 18 Stat. 1374) is amended by striking “2018” and inserting
 19 “2020”.

20 **SEC. 6006. GAO STUDY ON CORPS OF ENGINEERS METHOD-**
 21 **LOGY AND PERFORMANCE METRICS.**

22 (a) IN GENERAL.—Not later than 2 years after the
 23 date of enactment of this Act, the Comptroller General
 24 shall submit to the Committee on Environment and Public
 25 Works of the Senate and the Committee on Transpor-

1 tation and Infrastructure of the House of Representatives
2 a study of the methodologies and performance metrics
3 used by the Corps of Engineers to calculate benefit-to-cost
4 ratios and evaluate construction projects.

5 (b) CONSIDERATIONS.—The study under subsection
6 (a) shall address—

7 (1) whether and to what extent the current
8 methodologies and performance metrics place small
9 and rural geographic areas at a competitive dis-
10 advantage;

11 (2) whether the value of property for which
12 damage would be prevented as a result of a flood
13 risk management project is the best measurement
14 for the primary input in benefit-to-cost calculations
15 for flood risk management projects;

16 (3) any recommendations for approaches to
17 modify the metrics used to improve benefit-to-cost
18 ratio results for small and rural geographic areas;
19 and

20 (4) whether a reevaluation of existing ap-
21 proaches and the primary criteria used to calculate
22 the economic benefits of a Corps of Engineers con-
23 struction project could provide greater construction
24 project completion results for small and rural geo-

1 graphic areas without putting a strain on the budget
2 of the Corps of Engineers.

3 **SEC. 6007. INVENTORY ASSESSMENT.**

4 Not later than 1 year after the date of enactment
5 of this Act, the Secretary shall complete the assessment
6 and inventory required under section 6002(a) of the Water
7 Resources Reform and Development Act of 2014 (Public
8 Law 113–121; 128 Stat. 1349).

9 **SEC. 6008. SAINT LAWRENCE SEAWAY MODERNIZATION.**

10 (a) DEFINITIONS.—In this section:

11 (1) GREAT LAKES REGION.—The term “Great
12 Lakes region” means the region comprised of the
13 Great Lakes States.

14 (2) GREAT LAKES STATES.—The term “Great
15 Lakes States” means each of the States of Illinois,
16 Indiana, Michigan, Minnesota, Ohio, Pennsylvania,
17 New York, and Wisconsin.

18 (3) SEAWAY.—The term “Seaway” means the
19 Saint Lawrence Seaway.

20 (b) STUDY.—

21 (1) IN GENERAL.—The Comptroller General, in
22 cooperation with appropriate Federal, State, and
23 local authorities, shall conduct a study to—

24 (A) assess the condition of the Seaway;
25 and

1 (B) evaluate options available in the 21st
2 century for modernizing the Seaway as a glob-
3 ally significant transportation corridor.

4 (2) SCOPE OF STUDY.—In conducting the study
5 under paragraph (1), the Comptroller General
6 shall—

7 (A) assess the condition of the Seaway and
8 the capacity of the Seaway to drive commerce
9 and other economic activity in the Great Lakes
10 region;

11 (B) detail the importance of the Seaway to
12 the functioning of the United States economy,
13 with an emphasis on the domestic manufac-
14 turing sector, including the domestic steel man-
15 ufacturing industry;

16 (C) evaluate options—

17 (i) to modernize physical navigation
18 infrastructure, facilities, and related assets
19 not operated or maintained by the Sec-
20 retary along the corridor of the Seaway,
21 including an assessment of alternative
22 means for the Great Lakes region to fi-
23 nance large-scale initiatives;

24 (ii) to increase exports of domestically
25 produced goods and study the trade bal-

1 ance and regional economic impact of the
2 possible increase in imports of agricultural
3 products, steel, aggregates, and other
4 goods commonly transported through the
5 Seaway;

6 (iii) increase economic activity and de-
7 velopment in the Great Lakes region by
8 advancing the multimodal transportation
9 and economic network in the region;

10 (iv) ensure the competitiveness of the
11 Seaway as a transportation corridor in an
12 increasingly integrated global transpor-
13 tation network; and

14 (v) attract tourists to the Great Lakes
15 region by improving attractions and remov-
16 ing barriers to tourism and travel through-
17 out the Seaway; and

18 (D) evaluate the existing and potential fi-
19 nancing authorities of the Seaway as compared
20 to other Federal agencies and instrumentalities
21 with development responsibilities.

22 (3) DEADLINE.—The Comptroller General shall
23 complete the study under paragraph (1) as soon as
24 practicable and not later than 2 years after the date
25 of enactment of this Act.

1 (4) COORDINATION.—The Comptroller General
2 shall conduct the study under paragraph (1) with
3 input from representatives of the Saint Lawrence
4 Seaway Development Corporation, the Economic De-
5 velopment Administration, the Coast Guard, the
6 Corps of Engineers, the Department of Homeland
7 Security, and State and local entities (including port
8 authorities throughout the Seaway).

9 (5) REPORT.—The Comptroller General shall
10 submit to Congress a report on the results of the
11 study under paragraph (1) not later than the earlier
12 of—

13 (A) the date that is 180 days after the
14 date on which the study is completed; or

15 (B) the date that is 30 months after the
16 date of enactment of this Act.

17 **SEC. 6009. YAZOO BASIN, MISSISSIPPI.**

18 The authority of the Secretary to carry out the
19 project for flood damage reduction, bank stabilization, and
20 sediment and erosion control known as the “Yazoo Basin,
21 Mississippi, Mississippi Delta Headwater Project, MS”,
22 authorized by title I of Public Law 98–8 (97 Stat. 22),
23 as amended, shall not be limited to watersheds referenced
24 in reports accompanying appropriations bills for previous
25 fiscal years.

1 **TITLE VII—SAFE DRINKING**
 2 **WATER AND CLEAN WATER**
 3 **INFRASTRUCTURE**

4 **SEC. 7001. DEFINITION OF ADMINISTRATOR.**

5 In this title, the term “Administrator” means the Ad-
 6 ministrator of the Environmental Protection Agency.

7 **SEC. 7002. SENSE OF THE SENATE ON APPROPRIATIONS**
 8 **LEVELS AND FINDINGS ON ECONOMIC IM-**
 9 **PACTS.**

10 (a) SENSE OF THE SENATE.—It is the sense of the
 11 Senate that Congress should provide robust funding for
 12 the State drinking water treatment revolving loan funds
 13 established under section 1452 of the Safe Drinking
 14 Water Act (42 U.S.C. 300j–12) and the State water pollu-
 15 tion control revolving funds established under title VI of
 16 the Federal Water Pollution Control Act (33 U.S.C. 1381
 17 et seq.).

18 (b) FINDINGS.—Congress finds, based on an analysis
 19 sponsored by the Water Environment Federation and the
 20 WaterReuse Association of the nationwide impact of State
 21 revolving loan fund spending using the IMPLAN economic
 22 model developed by the Federal Government, that, in addi-
 23 tion to the public health and environmental benefits, the
 24 Federal investment in safe drinking water and clean water
 25 provides the following benefits:

1 (1) Generation of significant Federal tax rev-
2 enue, as evidenced by the following:

3 (A) Every dollar of a Federal capitalization
4 grant returns \$0.21 to the general fund of the
5 Treasury in the form of Federal taxes and,
6 when additional spending from the State revolving
7 loan funds is considered to be the result of
8 leveraging the Federal investment, every dollar
9 of a Federal capitalization grant returns \$0.93
10 in Federal tax revenue.

11 (B) A combined \$34,700,000,000 in cap-
12 italization grants for the clean water and state
13 drinking water state revolving loan funds de-
14 scribed in subsection (a) over a period of 5
15 years would generate \$7,430,000,000 in Fed-
16 eral tax revenue and, when additional spending
17 from the State revolving loan funds is consid-
18 ered to be the result of leveraging the Federal
19 investment, the Federal investment will result
20 in \$32,300,000,000 in Federal tax revenue dur-
21 ing that 5-year period.

22 (2) An increase in employment, as evidenced by
23 the following:

24 (A) Every \$1,000,000 in State revolving
25 loan fund spending generates 16½ jobs.

1 (B) \$34,700,000,000 in Federal capitaliza-
 2 tion grants for State revolving loan funds over
 3 a period of 5 years would result in 506,000
 4 jobs.

5 (3) An increase in economic output:

6 (A) Every \$1,000,000 in State revolving
 7 loan fund spending results in \$2,950,000 in
 8 output for the economy of the United States.

9 (B) \$34,700,000,000 in Federal capitaliza-
 10 tion grants for State revolving loan funds over
 11 a period of 5 years will generate
 12 \$102,700,000,000 in total economic output.

13 **Subtitle A—Drinking Water**

14 **SEC. 7101. PRECONSTRUCTION WORK.**

15 Section 1452(a)(2) of the Safe Drinking Water Act
 16 (42 U.S.C. 300j–12(a)(2)) is amended—

17 (1) by designating the first, second, third,
 18 fourth, and fifth sentences as subparagraphs (A),
 19 (B), (D), (E), and (F), respectively;

20 (2) in subparagraph (B) (as designated by
 21 paragraph (1)) by striking “(not” and inserting
 22 “(including expenditures for planning, design, and
 23 associated preconstruction activities, including activi-
 24 ties relating to the siting of the facility, but not”;
 25 and

(3) by inserting after subparagraph (B) (as designated by paragraph (1)) the following:

“(C) SALE OF BONDS.—Funds may also be used by a public water system as a source of revenue (restricted solely to interest earnings of the applicable State loan fund) or security for payment of the principal and interest on revenue or general obligation bonds issued by the State to provide matching funds under subsection (e), if the proceeds of the sale of the bonds will be deposited in the State loan fund.”.

SEC. 7102. PRIORITY SYSTEM REQUIREMENTS.

Section 1452(b)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D);

(2) by striking subparagraph (A) and inserting the following:

“(A) DEFINITION OF RESTRUCTURING.—

In this paragraph, the term ‘restructuring’ means changes in operations (including ownership, cooperative partnerships, asset management, consolidation, and alternative water supply).

1 “(B) PRIORITY SYSTEM.—An intended use
2 plan shall provide, to the maximum extent prac-
3 ticable, that priority for the use of funds be
4 given to projects that—

5 “(i) address the most serious risk to
6 human health;

7 “(ii) are necessary to ensure compli-
8 ance with this title (including requirements
9 for filtration);

10 “(iii) assist systems most in need on
11 a per-household basis according to State
12 affordability criteria; and

13 “(iv) improve the sustainability of sys-
14 tems.

15 “(C) WEIGHT GIVEN TO APPLICATIONS.—
16 After determining project priorities under sub-
17 paragraph (B), an intended use plan shall pro-
18 vide that the State shall give greater weight to
19 an application for assistance by a community
20 water system if the application includes such in-
21 formation as the State determines to be nec-
22 essary and contains—

23 “(i) a description of utility manage-
24 ment best practices undertaken by a treat-

1 ment works applying for assistance, includ-
2 ing—

3 “(I) an inventory of assets, in-
4 cluding any lead service lines, and a
5 description of the condition of the as-
6 sets;

7 “(II) a schedule for replacement
8 of assets;

9 “(III) a financing plan that fac-
10 tors in all lifecycle costs indicating
11 sources of revenue from ratepayers,
12 grants, bonds, other loans, and other
13 sources to meet the costs; and

14 “(IV) a review of options for re-
15 structuring the public water system;

16 “(ii) demonstration of consistency
17 with State, regional, and municipal water-
18 shed plans;

19 “(iii) a water conservation plan con-
20 sistent with guidelines developed for those
21 plans by the Administrator under section
22 1455(a); and

23 “(iv) approaches to improve the sus-
24 tainability of the system, including—

1 “(I) water efficiency or conserva-
 2 tion, including the rehabilitation or re-
 3 placement of existing leaking pipes;

4 “(II) use of reclaimed water;

5 “(III) actions to increase energy
 6 efficiency; and

7 “(IV) implementation of plans to
 8 protect source water identified in a
 9 source water assessment under section
 10 1453.”; and

11 (3) in subparagraph (D) (as redesignated by
 12 paragraph (1)), by striking “periodically” and in-
 13 serting “at least biennially”.

14 **SEC. 7103. ADMINISTRATION OF STATE LOAN FUNDS.**

15 Section 1452(g)(2) of the Safe Drinking Water Act
 16 (42 U.S.C. 300j-12(g)(2)) is amended—

17 (1) in the first sentence, by striking “up to 4
 18 percent of the funds allotted to the State under this
 19 section” and inserting “, for each fiscal year, an
 20 amount that does not exceed the sum of the amount
 21 of any fees collected by the State for use in covering
 22 reasonable costs of administration of programs
 23 under this section, regardless of the source, and an
 24 amount equal to the greatest of \$400,000, $\frac{1}{5}$ per-
 25 cent of the current valuation of the fund, or 4 per-

1 cent of all grant awards to the fund under this sec-
2 tion for the fiscal year,”; and

3 (2) by striking “1419,” and all that follows
4 through “1993.” and inserting “1419.”.

5 **SEC. 7104. OTHER AUTHORIZED ACTIVITIES.**

6 Section 1452(k) of the Safe Drinking Water Act (42
7 U.S.C. 300j–12(k)) is amended—

8 (1) in paragraph (1)(D), by inserting before the
9 period at the end the following: “and the implemen-
10 tation of plans to protect source water identified in
11 a source water assessment under section 1453”; and

12 (2) in paragraph (2)(E), by inserting after
13 “wellhead protection programs” the following: “and
14 implement plans to protect source water identified in
15 a source water assessment under section 1453”.

16 **SEC. 7105. NEGOTIATION OF CONTRACTS.**

17 Section 1452 of the Safe Drinking Water Act (42
18 U.S.C. 300j–12) is amended by adding at the end the fol-
19 lowing:

20 “(s) NEGOTIATION OF CONTRACTS.—For commu-
21 nities with populations of more than 10,000 individuals,
22 a contract to be carried out using funds directly made
23 available by a capitalization grant under this section for
24 program management, construction management, feasi-
25 bility studies, preliminary engineering, design, engineer-

1 ing, surveying, mapping, or architectural or related serv-
 2 ices shall be negotiated in the same manner as—

3 “(1) a contract for architectural and engineer-
 4 ing services is negotiated under chapter 11 of title
 5 40, United States Code; or

6 “(2) an equivalent State qualifications-based re-
 7 quirement (as determined by the Governor of the
 8 State).”.

9 **SEC. 7106. ASSISTANCE FOR SMALL AND DISADVANTAGED**
 10 **COMMUNITIES.**

11 (a) IN GENERAL.—Part E of the Safe Drinking
 12 Water Act (42 U.S.C. 300j et seq.) is amended by adding
 13 at the end the following:

14 **“SEC. 1459A. ASSISTANCE FOR SMALL AND DISADVAN-**
 15 **TAGED COMMUNITIES.**

16 “(a) DEFINITION OF UNDERSERVED COMMUNITY.—
 17 In this section:

18 “(1) IN GENERAL.—The term ‘underserved
 19 community’ means a local political subdivision that,
 20 as determined by the Administrator, has an inad-
 21 equate drinking water or wastewater system.

22 “(2) INCLUSIONS.—The term ‘underserved
 23 community’ includes a local political subdivision that
 24 either, as determined by the Administrator—

1 “(A) does not have household drinking
2 water or wastewater services; or

3 “(B) has a drinking water system that
4 fails to meet health-based standards under this
5 Act, including—

6 “(i) a maximum contaminant level for
7 a primary drinking water contaminant;

8 “(ii) a treatment technique violation;
9 and

10 “(iii) an action level exceedance.

11 “(b) ESTABLISHMENT.—

12 “(1) IN GENERAL.—The Administrator shall es-
13 tablish a program under which grants are provided
14 to eligible entities for use in carrying out projects
15 and activities the primary purposes of which are to
16 assist public water systems in meeting the require-
17 ments of this Act.

18 “(2) INCLUSIONS.—Projects and activities
19 under paragraph (1) include—

20 “(A) infrastructure investments necessary
21 to comply with the requirements of this Act,

22 “(B) assistance that directly and primarily
23 benefits the disadvantaged community on a per-
24 household basis, and

1 “(C) programs to provide household water
2 quality testing, including testing for unregu-
3 lated contaminants.

4 “(c) ELIGIBLE ENTITIES.—An entity eligible to re-
5 ceive a grant under this section—

6 “(1) is—

7 “(A) a public water system as defined in
8 section 1401;

9 “(B) a system that is located in an area
10 governed by an Indian Tribe (as defined in sec-
11 tion 1401); or

12 “(C) a State, on behalf of an underserved
13 community; and

14 “(2) serves a community that, under afford-
15 ability criteria established by the State under section
16 1452(d)(3), is determined by the State—

17 “(A) to be a disadvantaged community;

18 “(B) to be a community that may become
19 a disadvantaged community as a result of car-
20 rying out an eligible activity; or

21 “(C) to serve a community with a popu-
22 lation of less than 10,000 individuals that the
23 Administrator determines does not have the ca-
24 pacity to incur debt sufficient to finance the
25 project under subsection (b).

1 “(d) PRIORITY.—In prioritizing projects for imple-
 2 mentation under this section, the Administrator shall give
 3 priority to systems that serve underserved communities.

4 “(e) LOCAL PARTICIPATION.—In prioritizing projects
 5 for implementation under this section, the Administrator
 6 shall consult with, and consider the priorities of, affected
 7 States, Indian Tribes, and local governments.

8 “(f) TECHNICAL, MANAGERIAL, AND FINANCIAL CA-
 9 PABILITY.—The Administrator may provide assistance to
 10 increase the technical, managerial, and financial capability
 11 of an eligible entity receiving a grant under this section
 12 if the Administrator determines that the eligible entity
 13 lacks appropriate technical, managerial, and financial ca-
 14 pability.

15 “(g) COST SHARING.—Before carrying out any
 16 project under this section, the Administrator shall enter
 17 into a binding agreement with 1 or more non-Federal in-
 18 terests that shall require the non-Federal interests—

19 “(1) to pay not less than 45 percent of the total
 20 costs of the project, which may include services, ma-
 21 terials, supplies, or other in-kind contributions;

22 “(2) to provide any land, easements, rights-of-
 23 way, and relocations necessary to carry out the
 24 project; and

1 “(3) to pay 100 percent of any operation, main-
2 tenance, repair, replacement, and rehabilitation costs
3 associated with the project.

4 “(h) WAIVER.—The Administrator may waive the re-
5 quirement to pay the non-Federal share of the cost of car-
6 rying out an eligible activity using funds from a grant pro-
7 vided under this section if the Administrator determines
8 that an eligible entity is unable to pay, or would experience
9 significant financial hardship if required to pay, the non-
10 Federal share.

11 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this sec-
13 tion—

14 “(1) \$230,000,000 for fiscal year 2017; and

15 “(2) \$300,000,000 for each of fiscal years 2018
16 through 2021.”.

17 (b) FUNDING.—Out of any funds in the Treasury not
18 otherwise appropriated, the Secretary of the Treasury
19 shall transfer to the Administrator to provide grants to
20 eligible entities under section 1459A of the Safe Drinking
21 Water Act (as added by subsection (a)), \$20,000,000, to
22 remain available until expended.

1 **SEC. 7107. REDUCING LEAD IN DRINKING WATER.**

2 (a) IN GENERAL.—Part E of the Safe Drinking
3 Water Act (42 U.S.C. 300j et seq.) (as amended by section
4 7106) is amended by adding at the end the following:

5 **“SEC. 1459B. REDUCING LEAD IN DRINKING WATER.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
8 tity’ means—

9 “(A) a community water system;

10 “(B) a system located in an area governed
11 by an Indian Tribe;

12 “(C) a nontransient noncommunity water
13 system;

14 “(D) a qualified nonprofit organization, as
15 determined by the Administrator; and

16 “(E) a municipality or State, interstate, or
17 intermunicipal agency.

18 “(2) LEAD REDUCTION PROJECT.—

19 “(A) IN GENERAL.—The term ‘lead reduc-
20 tion project’ means a project or activity the pri-
21 mary purpose of which is to reduce the level of
22 lead in water for human consumption by—

23 “(i) replacement of publicly owned
24 lead service lines;

25 “(ii) testing, planning, or other rel-
26 evant activities, as determined by the Ad-

1 ministrator, to identify and address condi-
2 tions (including corrosion control) that
3 contribute to increased lead levels in water
4 for human consumption;

5 “(iii) assistance to low-income home-
6 owners to replace privately owned service
7 lines, pipes, fittings, or fixtures that con-
8 tain lead; and

9 “(iv) education of consumers regard-
10 ing measures to reduce exposure to lead
11 from drinking water or other sources.

12 “(B) LIMITATION.—The term ‘lead reduc-
13 tion project’ does not include a partial lead
14 service line replacement if, at the conclusion of
15 the service line replacement, drinking water is
16 delivered to a household through a publicly or
17 privately owned portion of a lead service line.

18 “(3) LOW-INCOME.—The term ‘low-income’,
19 with respect to an individual provided assistance
20 under this section, has such meaning as may be
21 given the term by the head of the municipality or
22 State, interstate, or intermunicipal agency with ju-
23 risdiction over the area to which assistance is pro-
24 vided.

1 “(4) MUNICIPALITY.—The term ‘municipality’
2 means—

3 “(A) a city, town, borough, county, parish,
4 district, association, or other public entity es-
5 tablished by, or pursuant to, applicable State
6 law; and

7 “(B) an Indian tribe (as defined in section
8 4 of the Indian Self-Determination and Edu-
9 cation Assistance Act (25 U.S.C. 5304)).

10 “(b) GRANT PROGRAM.—

11 “(1) ESTABLISHMENT.—The Administrator
12 shall establish a grant program to provide assistance
13 to eligible entities for lead reduction projects in the
14 United States.

15 “(2) PRECONDITION.—As a condition of receipt
16 of assistance under this section, before receiving the
17 assistance the eligible entity shall take steps to iden-
18 tify—

19 “(A) the source of lead in water for human
20 consumption; and

21 “(B) the means by which the proposed lead
22 reduction project would reduce lead levels in the
23 applicable water system.

1 “(3) PRIORITY APPLICATION.—In providing
2 grants under this subsection, the Administrator shall
3 give priority to an eligible entity that—

4 “(A) the Administrator determines, based
5 on affordability criteria established by the State
6 under section 1452(d)(3), to be a disadvantaged
7 community; and

8 “(B) proposes to—

9 “(i) carry out a lead reduction project
10 at a public water system or nontransient
11 noncommunity water system that has ex-
12 ceeded the lead action level established by
13 the Administrator at any time during the
14 3-year period preceding the date of submis-
15 sion of the application of the eligible enti-
16 ty;

17 “(ii) address lead levels in water for
18 human consumption at a school, daycare,
19 or other facility that primarily serves chil-
20 dren or other vulnerable human subpopula-
21 tion; or

22 “(iii) address such priority criteria as
23 the Administrator may establish, consistent
24 with the goal of reducing lead levels of con-
25 cern.

1 “(4) COST SHARING.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), the non-Federal share of the total
4 cost of a project funded by a grant under this
5 subsection shall be not less than 20 percent.

6 “(B) WAIVER.—The Administrator may
7 reduce or eliminate the non-Federal share
8 under subparagraph (A) for reasons of afford-
9 ability, as the Administrator determines to be
10 appropriate.

11 “(5) LOW-INCOME ASSISTANCE.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), an eligible entity may use a grant
14 provided under this subsection to provide assist-
15 ance to low-income homeowners to carry out
16 lead reduction projects.

17 “(B) LIMITATION.—The amount of a
18 grant provided to a low-income homeowner
19 under this paragraph shall not exceed the cost
20 of replacement of the privately owned portion of
21 the service line.

22 “(6) SPECIAL CONSIDERATION FOR LEAD SERV-
23 ICE LINE REPLACEMENT.—In carrying out lead serv-
24 ice line replacement using a grant under this sub-
25 section, an eligible entity shall—

1 “(A) notify customers of the replacement
2 of any publicly owned portion of the lead service
3 line;

4 “(B) in the case of a homeowner who is
5 not low-income, offer to replace the privately
6 owned portion of the lead service line at the
7 cost of replacement;

8 “(C) in the case of a low-income home-
9 owner, offer to replace the privately owned por-
10 tion of the lead service line and any pipes, fit-
11 ting, and fixtures that contain lead at a cost
12 that is equal to the difference between—

13 “(i) the cost of replacement; and

14 “(ii) the amount of low-income assist-
15 ance available to the homeowner under
16 paragraph (5);

17 “(D) notify each customer that a planned
18 replacement of any publicly owned portion of a
19 lead service line that is funded by a grant made
20 under this subsection will not be carried out un-
21 less the customer agrees to the simultaneous re-
22 placement of the privately owned portion of the
23 lead service line; and

24 “(E) demonstrate that the eligible entity
25 has considered options for reducing lead in

1 drinking water, including an evaluation of op-
2 tions for corrosion control.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to carry out this section
5 \$60,000,000 for each of fiscal years 2017 through 2021.”.

6 (b) FUNDING.—Out of any funds in the Treasury not
7 otherwise appropriated, the Secretary of the Treasury
8 shall transfer to the Administrator to provide grants to
9 eligible entities under this section under section 1459B of
10 the Safe Drinking Water Act (as added by subsection (a)),
11 \$20,000,000, to remain available until expended.

12 **SEC. 7108. REGIONAL LIAISONS FOR MINORITY, TRIBAL,**
13 **AND LOW-INCOME COMMUNITIES.**

14 (a) IN GENERAL.—The Administrator shall appoint
15 not fewer than 1 employee in each regional office of the
16 Environmental Protection Agency to serve as a liaison to
17 minority, tribal, and low-income communities in the rel-
18 evant region.

19 (b) PUBLIC IDENTIFICATION.—The Administrator
20 shall identify each regional liaison selected under sub-
21 section (a) on the website of—

22 (1) the relevant regional office of the Environ-
23 mental Protection Agency; and

24 (2) the Office of Environmental Justice of the
25 Environmental Protection Agency.

1 **SEC. 7109. NOTICE TO PERSONS SERVED.**

2 (a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section
3 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–
4 3(c)) is amended—

5 (1) in paragraph (1), by adding at the end the
6 following:

7 “(D) Notice of any exceedance of a lead
8 action level or any other prescribed level of lead
9 in a regulation issued under section 1412, in-
10 cluding the concentrations of lead found in a
11 monitoring activity.”;

12 (2) in paragraph (2)—

13 (A) in subparagraph (C)—

14 (i) in clause (iii)—

15 (I) by striking “Administrator
16 or” and inserting “Administrator, the
17 Director of the Centers for Disease
18 Control and Prevention, and, if appli-
19 cable,”; and

20 (II) by inserting “and the appro-
21 priate State and county health agen-
22 cies” after “1413”;

23 (B) by redesignating subparagraphs (D)
24 and (E) as subparagraphs (E) and (F), respec-
25 tively; and

1 (C) by inserting after subparagraph (C)
2 the following:

3 “(D) EXCEEDANCE OF LEAD ACTION
4 LEVEL.—Regulations issued under subpara-
5 graph (A) shall specify notification procedures
6 for an exceedance of a lead action level or any
7 other prescribed level of lead in a regulation
8 issued under section 1412.”;

9 (3) by redesignating paragraphs (3) and (4) as
10 paragraphs (4) and (5), respectively;

11 (4) by inserting after paragraph (2) the fol-
12 lowing:

13 “(3) NOTIFICATION OF THE PUBLIC RELATING
14 TO LEAD.—

15 “(A) EXCEEDANCE OF LEAD ACTION
16 LEVEL.—Not later than 15 days after the date
17 of an exceedance of a lead action level or any
18 other prescribed level of lead in a regulation
19 issued under section 1412, the Administrator
20 shall notify the public of the concentrations of
21 lead found in the monitoring activity conducted
22 by the public water system if the public water
23 system or the State does not notify the public
24 of the concentrations of lead found in a moni-
25 toring activity.

1 “(B) RESULTS OF LEAD MONITORING.—

2 “(i) IN GENERAL.—The Administrator
3 may provide notice of any result of lead
4 monitoring conducted by a public water
5 system to—

6 “(I) any person that is served by
7 the public water system; or

8 “(II) the local or State health de-
9 partment of a locality or State in
10 which the public water system is lo-
11 cated.

12 “(ii) FORM OF NOTICE.—The Admin-
13 istrator may provide the notice described
14 in clause (i) by—

15 “(I) press release; or

16 “(II) other form of communica-
17 tion, including local media.

18 “(C) PRIVACY.—Notice to the public shall
19 protect the privacy of individual customer infor-
20 mation.”; and

21 (5) by adding at the end the following:

22 “(6) STRATEGIC PLAN.—Not later than 120
23 days after the date of enactment of this paragraph,
24 the Administrator, in collaboration with States and
25 owners and operators of public water systems, shall

1 establish a strategic plan for how the Administrator,
 2 a State with primary enforcement responsibility, and
 3 the owners and operators of public water systems
 4 shall conduct targeted outreach, education, technical
 5 assistance, and risk communication to populations
 6 affected by lead in a public water system.”.

7 (b) CONFORMING AMENDMENTS.—Section 1414(c)
 8 of the Safe Drinking Water Act (42 U.S.C. 300g–3(e))
 9 is amended—

10 (1) in paragraph (1)(C), by striking “paragraph
 11 (2)(E)” and inserting “paragraph (2)(F)”;

12 (2) in paragraph (2)(B)(i)(II), by striking “sub-
 13 paragraph (D)” and inserting “subparagraph (E)”;
 14 and

15 (3) in paragraph (4)(B) (as redesignated by
 16 subsection (a)(3)), in the first sentence, by striking
 17 “(D)” and inserting “(E)”.

18 **SEC. 7110. ELECTRONIC REPORTING OF DRINKING WATER**
 19 **DATA.**

20 Section 1414 of the Safe Drinking Water Act (42
 21 U.S.C. 300g–3) is amended by adding at the end the fol-
 22 lowing:

23 “(j) ELECTRONIC REPORTING OF COMPLIANCE MON-
 24 ITORING DATA.—

1 “(1) IN GENERAL.—The Administrator shall re-
2 quire electronic submission of available compliance
3 monitoring data, if practicable—

4 “(A) by public water systems (or a cer-
5 tified laboratory on behalf of a public water sys-
6 tem)—

7 “(i) to the Administrator; or

8 “(ii) with respect to a public water
9 system in a State that has primary en-
10 forcement responsibility under section
11 1413, to that State; and

12 “(B) by each State that has primary en-
13 forcement responsibility under section 1413 to
14 the Administrator, as a condition on the receipt
15 of funds under this Act.

16 “(2) CONSIDERATIONS.—In determining wheth-
17 er the requirement referred to in paragraph (1) is
18 practicable, the Administrator shall consider—

19 “(A) the ability of a public water system
20 (or a certified laboratory on behalf of a public
21 water system) or a State to meet the require-
22 ments of sections 3.1 through 3.2000 of title
23 40, Code of Federal Regulations (or successor
24 regulations);

25 “(B) information system compatibility;

1 “(C) the size of the public water system;
 2 and
 3 “(D) the size of the community served by
 4 the public water system.”.

5 **SEC. 7111. LEAD TESTING IN SCHOOL AND CHILD CARE**
 6 **DRINKING WATER.**

7 (a) IN GENERAL.—Section 1464 of the Safe Drink-
 8 ing Water Act (42 U.S.C. 300j-24) is amended by striking
 9 subsection (d) and inserting the following:

10 “(d) VOLUNTARY SCHOOL AND CHILD CARE LEAD
 11 TESTING GRANT PROGRAM.—

12 “(1) DEFINITIONS.—In this subsection:

13 “(A) CHILD CARE PROGRAM.—The term
 14 ‘child care program’ has the meaning given the
 15 term ‘early childhood education program’ in
 16 section 103 of the Higher Education Act of
 17 1965 (20 U.S.C. 1003).

18 “(B) LOCAL EDUCATIONAL AGENCY.—The
 19 term ‘local educational agency’ means—

20 “(i) a local educational agency (as de-
 21 fined in section 8101 of the Elementary
 22 and Secondary Education Act of 1965 (20
 23 U.S.C. 7801));

24 “(ii) a tribal education agency (as de-
 25 fined in section 3 of the National Environ-

1 mental Education Act (20 U.S.C. 5502));

2 and

3 “(iii) an operator of a child care pro-
4 gram facility licensed under State law.

5 “(2) ESTABLISHMENT.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the date of enactment of the Water
8 Resources Development Act of 2016, the Ad-
9 ministrator shall establish a voluntary school
10 and child care lead testing grant program to
11 make grants available to States to assist local
12 educational agencies in voluntary testing for
13 lead contamination in drinking water at schools
14 and child care programs under the jurisdiction
15 of the local educational agencies.

16 “(B) GRANTS TO LOCAL EDUCATIONAL
17 AGENCIES.—The Administrator may make
18 grants directly available to local educational
19 agencies for the voluntary testing described in
20 subparagraph (A) in—

21 “(i) any State that does not partici-
22 pate in the voluntary school and child care
23 lead testing grant program established
24 under that subparagraph; and

25 “(ii) any direct implementation area.

1 “(3) APPLICATION.—To be eligible to receive a
2 grant under this subsection, a State or local edu-
3 cational agency shall submit to the Administrator an
4 application at such time, in such manner, and con-
5 taining such information as the Administrator may
6 require.

7 “(4) LIMITATION ON USE OF FUNDS.—Not
8 more than 4 percent of grant funds accepted under
9 this subsection shall be used to pay the administra-
10 tive costs of carrying out this subsection.

11 “(5) GUIDANCE; PUBLIC AVAILABILITY.—As a
12 condition of receiving a grant under this subsection,
13 the State or local educational agency shall ensure
14 that each local educational agency to which grant
15 funds are distributed shall—

16 “(A) expend grant funds in accordance
17 with—

18 “(i) the guidance of the Environ-
19 mental Protection Agency entitled ‘3Ts for
20 Reducing Lead in Drinking Water in
21 Schools: Revised Technical Guidance’ and
22 dated October 2006 (or any successor
23 guidance); or

24 “(ii) applicable State regulations or
25 guidance regarding reducing lead in drink-

ing water in schools and child care programs that is not less stringent than the guidance referred to in clause (i); and

“(B)(i) make available in the administrative offices, and to the maximum extent practicable, on the Internet website, of the local educational agency for inspection by the public (including teachers, other school personnel, and parents) a copy of the results of any voluntary testing for lead contamination in school and child care program drinking water that is carried out with grant funds under this subsection; and

“(ii) notify parent, teacher, and employee organizations of the availability of the results described in clause (i).

“(6) MAINTENANCE OF EFFORT.—If resources are available to a State or local educational agency from any other Federal agency, a State, or a private foundation for testing for lead contamination in drinking water, the State or local educational agency shall demonstrate that the funds provided under this subsection will not displace those resources.

“(7) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out

1 this subsection \$20,000,000 for each of fiscal years
2 2017 through 2021.”.

3 (b) REPEAL.—Section 1465 of the Safe Drinking
4 Water Act (42 U.S.C. 300j–25) is repealed.

5 **SEC. 7112. WATERSENSE PROGRAM.**

6 The Safe Drinking Water Act (42 U.S.C. 300j et
7 seq.) is amended by adding after Part F the following:

8 **“PART G—ADDITIONAL PROVISIONS**

9 **“SEC. 1471. WATERSENSE PROGRAM.**

10 “(a) ESTABLISHMENT OF WATERSENSE PRO-
11 GRAM.—

12 “(1) IN GENERAL.—There is established within
13 the Agency a voluntary WaterSense program to
14 identify and promote water-efficient products, build-
15 ings, landscapes, facilities, processes, and services
16 that, through voluntary labeling of, or other forms
17 of communications regarding, products, buildings,
18 landscapes, facilities, processes, and services while
19 meeting strict performance criteria, sensibly—

20 “(A) reduce water use;

21 “(B) reduce the strain on public and com-
22 munity water systems and wastewater and
23 stormwater infrastructure;

24 “(C) conserve energy used to pump, heat,
25 transport, and treat water; and

1 “(D) preserve water resources for future
2 generations.

3 “(2) INCLUSIONS.—The Administrator shall,
4 consistent with this section, identify water-efficient
5 products, buildings, landscapes, facilities, processes,
6 and services, including categories such as—

7 “(A) irrigation technologies and services;

8 “(B) point-of-use water treatment devices;

9 “(C) plumbing products;

10 “(D) reuse and recycling technologies;

11 “(E) landscaping and gardening products,
12 including moisture control or water enhancing
13 technologies;

14 “(F) xeriscaping and other landscape con-
15 versions that reduce water use;

16 “(G) whole house humidifiers; and

17 “(H) water-efficient buildings or facilities.

18 “(b) DUTIES.—The Administrator, coordinating as
19 appropriate with the Secretary of Energy, shall—

20 “(1) establish—

21 “(A) a WaterSense label to be used for
22 items meeting the certification criteria estab-
23 lished in accordance with this section; and

1 “(B) the procedure, including the methods
2 and means, and criteria by which an item may
3 be certified to display the WaterSense label;

4 “(2) enhance public awareness regarding the
5 WaterSense label through outreach, education, and
6 other means;

7 “(3) preserve the integrity of the WaterSense
8 label by—

9 “(A) establishing and maintaining feasible
10 performance criteria so that products, build-
11 ings, landscapes, facilities, processes, and serv-
12 ices labeled with the WaterSense label perform
13 as well or better than less water-efficient coun-
14 terparts;

15 “(B) overseeing WaterSense certifications
16 made by third parties;

17 “(C) as determined appropriate by the Ad-
18 ministrators, using testing protocols, from the
19 appropriate, applicable, and relevant consensus
20 standards, for the purpose of determining
21 standards compliance; and

22 “(D) auditing the use of the WaterSense
23 label in the marketplace and preventing cases of
24 misuse; and

1 “(4) not more than 6 years after adoption or
2 major revision of any WaterSense specification, re-
3 view and, if appropriate, revise the specification to
4 achieve additional water savings;

5 “(5) in revising a WaterSense specification—

6 “(A) provide reasonable notice to inter-
7 ested parties and the public of any changes, in-
8 cluding effective dates, and an explanation of
9 the changes;

10 “(B) solicit comments from interested par-
11 ties and the public prior to any changes;

12 “(C) as appropriate, respond to comments
13 submitted by interested parties and the public;
14 and

15 “(D) provide an appropriate transition
16 time prior to the applicable effective date of any
17 changes, taking into account the timing nec-
18 essary for the manufacture, marketing, train-
19 ing, and distribution of the specific water-effi-
20 cient product, building, landscape, process, or
21 service category being addressed; and

22 “(6) not later than December 31, 2018, con-
23 sider for review and revision any WaterSense speci-
24 fication adopted before January 1, 2012.

1 “(c) TRANSPARENCY.—The Administrator shall, to
2 the maximum extent practicable and not less than annu-
3 ally, regularly estimate and make available to the public
4 the production and relative market shares and savings of
5 water, energy, and capital costs of water, wastewater, and
6 stormwater attributable to the use of WaterSense-labeled
7 products, buildings, landscapes, facilities, processes, and
8 services.

9 “(d) DISTINCTION OF AUTHORITIES.—In setting or
10 maintaining specifications for Energy Star pursuant to
11 section 324A of the Energy Policy and Conservation Act
12 (42 U.S.C. 6294a), and WaterSense under this section,
13 the Secretary of Energy and Administrator shall coordi-
14 nate to prevent duplicative or conflicting requirements
15 among the respective programs.

16 “(e) NO WARRANTY.—A WaterSense label shall not
17 create an express or implied warranty.”.

18 **SEC. 7113. WATER SUPPLY COST SAVINGS.**

19 (a) FINDINGS.—Congress finds that—

20 (1) the United States is facing a drinking water
21 infrastructure funding crisis;

22 (2) the Environmental Protection Agency
23 projects a shortfall of approximately
24 \$384,000,000,000 in funding for drinking water in-
25 frastructure from 2015 to 2035 and this funding

1 challenge is particularly acute in rural communities
2 in the United States;

3 (3) there are approximately 52,000 community
4 water systems in the United States, of which nearly
5 42,000 are small community water systems;

6 (4) the Drinking Water Needs Survey con-
7 ducted by the Environmental Protection Agency in
8 2011 placed the shortfall in drinking water infra-
9 structure funding for small communities, which con-
10 sist of 3,300 or fewer persons, at \$64,500,000,000;

11 (5) small communities often cannot finance the
12 construction and maintenance of drinking water sys-
13 tems because the cost per resident for the invest-
14 ment would be prohibitively expensive;

15 (6) drought conditions have placed significant
16 strains on existing surface water supplies;

17 (7) many communities across the United States
18 are considering the use of groundwater and commu-
19 nity well systems to provide drinking water; and

20 (8) approximately 42,000,000 people in the
21 United States receive drinking water from individual
22 wells and millions more rely on community well sys-
23 tems for drinking water.

24 (b) SENSE OF THE SENATE.—It is the sense of the
25 Senate that providing rural communities with the knowl-

1 edge and resources necessary to fully use alternative
2 drinking water systems, including wells and community
3 well systems, can provide safe and affordable drinking
4 water to millions of people in the United States.

5 (c) DRINKING WATER TECHNOLOGY CLEARING-
6 HOUSE.—The Administrator and the Secretary of Agri-
7 culture shall—

8 (1) update existing programs of the Environ-
9 mental Protection Agency and the Department of
10 Agriculture designed to provide drinking water tech-
11 nical assistance to include information on cost-effec-
12 tive, innovative, and alternative drinking water deliv-
13 ery systems, including systems that are supported by
14 wells; and

15 (2) disseminate information on the cost effec-
16 tiveness of alternative drinking water delivery sys-
17 tems, including wells and well systems, to commu-
18 nities and not-for-profit organizations seeking Fed-
19 eral funding for drinking water systems serving 500
20 or fewer persons.

21 (d) WATER SYSTEM ASSESSMENT.—Notwithstanding
22 any other provision of law, in any application for a grant
23 or loan from the Federal Government or a State that is
24 using Federal assistance for a drinking water system serv-
25 ing 500 or fewer persons, a unit of local government or

1 not-for-profit organization shall self-certify that the unit
2 of local government or organization has considered, as an
3 alternative drinking water supply, drinking water delivery
4 systems sourced by publicly owned—

- 5 (1) individual wells;
- 6 (2) shared wells; and
- 7 (3) community wells.

8 (e) REPORT TO CONGRESS.—Not later than 3 years
9 after the date of enactment of this Act, the Administrator
10 and the Secretary of Agriculture shall submit to Congress
11 a report that describes—

- 12 (1) the use of innovative and alternative drink-
13 ing water systems described in this section;
- 14 (2) the range of cost savings for communities
15 using innovative and alternative drinking water sys-
16 tems described in this section; and
- 17 (3) the use of drinking water technical assist-
18 ance programs operated by the Administrator and
19 the Secretary of Agriculture.

20 **SEC. 7114. SMALL SYSTEM TECHNICAL ASSISTANCE.**

21 Section 1452(q) of the Safe Drinking Water Act (42
22 U.S.C. 300j–12(q)) is amended by striking “appro-
23 priated” and all that follows through “2003” and insert-
24 ing “made available for each of fiscal years 2016 through
25 2021”.

1 **SEC. 7115. DEFINITION OF INDIAN TRIBE.**

2 Section 1401(14) of the Safe Drinking Water Act (42
3 U.S.C. 300(f)(14)) is amended by striking “section 1452”
4 and inserting “sections 1452, 1459A, and 1459B”.

5 **SEC. 7116. TECHNICAL ASSISTANCE FOR TRIBAL WATER**
6 **SYSTEMS.**

7 (a) TECHNICAL ASSISTANCE.—Section 1442(e)(7) of
8 the Safe Drinking Water Act (42 U.S.C. 300j–1(e)(7)) is
9 amended by striking “Tribes” and inserting “tribes, in-
10 cluding grants to provide training and operator certifi-
11 cation services under section 1452(i)(5)”.

12 (b) INDIAN TRIBES.—Section 1452(i) of the Safe
13 Drinking Water Act (42 U.S.C. 300j–12(i)) is amended—

14 (1) in paragraph (1), in the first sentence, by
15 striking “Tribes and Alaska Native villages” and in-
16 serting “tribes, Alaska Native villages, and, for the
17 purpose of carrying out paragraph (5), intertribal
18 consortia or tribal organizations”; and

19 (2) by adding at the end the following:

20 “(5) TRAINING AND OPERATOR CERTIFI-
21 CATION.—

22 “(A) IN GENERAL.—The Administrator
23 may use funds made available under this sub-
24 section and section 1442(e)(7) to make grants
25 to intertribal consortia or tribal organizations
26 for the purpose of providing operations and

1 maintenance training and operator certification
 2 services to Indian tribes.

3 “(B) ELIGIBLE TRIBAL ORGANIZATIONS.—

4 An intertribal consortium or tribal organization
 5 eligible for a grant under subparagraph (A) is
 6 an intertribal consortium or tribal organization
 7 that—

8 “(i) is the most qualified to provide
 9 training and technical assistance to Indian
 10 tribes; and

11 “(ii) Indian tribes determine to be the
 12 most beneficial and effective.”.

13 **SEC. 7117. REQUIREMENT FOR THE USE OF AMERICAN MA-**
 14 **TERIALS.**

15 Section 1452(a) of the Safe Drinking Water Act (42
 16 U.S.C. 300j–12(a)) is amended by adding at the end the
 17 following:

18 “(4) REQUIREMENT FOR THE USE OF AMER-
 19 ICAN MATERIALS.—

20 “(A) DEFINITION OF IRON AND STEEL
 21 PRODUCTS.—In this paragraph, the term ‘iron
 22 and steel products’ means the following prod-
 23 ucts made, in part, of iron or steel:

24 “(i) Lined or unlined pipe and fit-
 25 tings.

1 “(ii) Manhole covers and other munic-
2 ipal castings.

3 “(iii) Hydrants.

4 “(iv) Tanks.

5 “(v) Flanges.

6 “(vi) Pipe clamps and restraints.

7 “(vii) Valves.

8 “(viii) Structural steel.

9 “(ix) Reinforced precast concrete.

10 “(x) Construction materials.

11 “(B) REQUIREMENT.—Except as provided
12 in subparagraph (C), funds made available by a
13 State loan fund authorized under this section
14 may not be used for a project for the construc-
15 tion, alteration, maintenance, or repair of a
16 public water system unless all the iron and steel
17 products used in the project are produced in the
18 United States.

19 “(C) EXCEPTION.—Subparagraph (B)
20 shall not apply in any case or category of cases
21 in which the Administrator finds that—

22 “(i) applying subparagraph (B) would
23 be inconsistent with the public interest;

24 “(ii) iron and steel products are not
25 produced in the United States in sufficient

1 and reasonably available quantities and of
2 a satisfactory quality; or

3 “(iii) inclusion of iron and steel prod-
4 ucts produced in the United States will in-
5 crease the cost of the overall product by
6 more than 25 percent.

7 “(D) PUBLIC NOTICE; WRITTEN JUS-
8 TIFICATION.—

9 “(i) PUBLIC NOTICE.—If the Adminis-
10 trator receives a request for a waiver under
11 this paragraph, the Administrator shall—

12 “(I) make available to the public
13 on an informal basis, including on the
14 public website of the Administrator—

15 “(aa) a copy of the request;

16 and

17 “(bb) any information avail-
18 able to the Administrator regard-
19 ing the request; and

20 “(II) provide notice of, and op-
21 portunity for informal public comment
22 on, the request for a period of not less
23 than 15 days before making a finding
24 under subparagraph (C).

“(ii) WRITTEN JUSTIFICATION.—If, after the period provided under clause (i), the Administrator makes a finding under subparagraph (C), the Administrator shall publish in the Federal Register a written justification as to why subparagraph (B) is being waived.

“(E) APPLICATION.—This paragraph shall be applied in a manner consistent with United States obligations under international agreements.

“(F) MANAGEMENT AND OVERSIGHT.—The Administrator may use not more than 0.25 percent of any funds made available to carry out this title for management and oversight of the requirements of this paragraph.”.

Subtitle B—Clean Water

SEC. 7201. SEWER OVERFLOW CONTROL GRANTS.

Section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) is amended—

(1) in subsection (a), by striking the subsection designation and heading and all that follows through “subject to subsection (g), the Administrator may” in paragraph (2) and inserting the following:

“(a) AUTHORITY.—The Administrator may—

“(1) make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, designing, and constructing—

“(A) treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows; and

“(B) measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water; and

“(2) subject to subsection (g),”;

(2) in subsection (b)—

(A) in paragraph (1), by striking the semicolon at the end and inserting “; or”;

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraph (4) as paragraph (2);

(3) by striking subsections (e) through (g) and inserting the following:

“(e) ADMINISTRATIVE REQUIREMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), a project that receives grant assistance under subsection (a) shall be carried out subject to the same requirements as a project that receives assistance

1 from a State water pollution control revolving fund
 2 established pursuant to title VI.

3 “(2) DETERMINATION OF GOVERNOR.—The re-
 4 quirement described in paragraph (1) shall not apply
 5 to a project that receives grant assistance under
 6 subsection (a) to the extent that the Governor of the
 7 State in which the project is located determines that
 8 a requirement described in title VI is inconsistent
 9 with the purposes of this section.

10 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 11 are authorized to be appropriated to carry out this section,
 12 to remain available until expended—

13 “(1) \$250,000,000 for fiscal year 2017;

14 “(2) \$300,000,000 for fiscal year 2018;

15 “(3) \$350,000,000 for fiscal year 2019;

16 “(4) \$400,000,000 for fiscal year 2020; and

17 “(5) \$500,000,000 for fiscal year 2021.

18 “(g) ALLOCATION OF FUNDS.—

19 “(1) FISCAL YEAR 2017 AND 2018.—For each of
 20 fiscal years 2017 and 2018, subject to subsection
 21 (h), the Administrator shall use the amounts made
 22 available to carry out this section to provide grants
 23 to municipalities and municipal entities under sub-
 24 section (a)(2)—

1 “(A) in accordance with the priority cri-
2 teria described in subsection (b); and

3 “(B) with additional priority given to pro-
4 posed projects that involve the use of—

5 “(i) nonstructural, low-impact devel-
6 opment;

7 “(ii) water conservation, efficiency, or
8 reuse; or

9 “(iii) other decentralized stormwater
10 or wastewater approaches to minimize
11 flows into the sewer systems.

12 “(2) FISCAL YEAR 2019 AND THEREAFTER.—
13 For fiscal year 2019 and each fiscal year thereafter,
14 subject to subsection (h), the Administrator shall
15 use the amounts made available to carry out this
16 section to provide grants to States under subsection
17 (a)(1) in accordance with a formula that—

18 “(A) shall be established by the Adminis-
19 trator, after providing notice and an oppor-
20 tunity for public comment; and

21 “(B) allocates to each State a proportional
22 share of the amounts based on the total needs
23 of the State for municipal combined sewer over-
24 flow controls and sanitary sewer overflow con-
25 trols, as identified in the most recent survey—

1 “(i) conducted under section 210; and
 2 “(ii) included in a report required
 3 under section 516(b)(1)(B).”; and
 4 (4) by striking subsection (i).

5 **SEC. 7202. SMALL AND MEDIUM TREATMENT WORKS.**

6 (a) IN GENERAL.—Title II of the Federal Water Pol-
 7 lution Control Act (33 U.S.C. 1281 et seq.) is amended
 8 by adding at the end the following:

9 **“SEC. 222. TECHNICAL ASSISTANCE FOR SMALL AND ME-
 10 DIUM TREATMENT WORKS.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) MEDIUM TREATMENT WORKS.—The term
 13 ‘medium treatment works’ means a publicly owned
 14 treatment works serving not fewer than 10,001 and
 15 not more than 100,000 individuals.

16 “(2) QUALIFIED NONPROFIT MEDIUM TREAT-
 17 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—
 18 The term ‘qualified nonprofit medium treatment
 19 works technical assistance provider’ means a quali-
 20 fied nonprofit technical assistance provider of water
 21 and wastewater services to medium-sized commu-
 22 nities that provides technical assistance (including
 23 circuit rider technical assistance programs, multi-
 24 State, regional assistance programs, and training
 25 and preliminary engineering evaluations) to owners

1 and operators of medium treatment works, which
2 may include State agencies.

3 “(3) QUALIFIED NONPROFIT SMALL TREAT-
4 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—

5 The term ‘qualified nonprofit small treatment works
6 technical assistance provider’ means a nonprofit or-
7 ganization that, as determined by the Adminis-
8 trator—

9 “(A) is the most qualified and experienced
10 in providing training and technical assistance to
11 small treatment works; and

12 “(B) the small treatment works in the
13 State finds to be the most beneficial and effec-
14 tive.

15 “(4) SMALL TREATMENT WORKS.—The term
16 ‘small treatment works’ means a publicly owned
17 treatment works serving not more than 10,000 indi-
18 viduals.

19 “(b) TECHNICAL ASSISTANCE.—The Administrator
20 may use amounts made available to carry out this section
21 to provide grants or cooperative agreements to qualified
22 nonprofit small treatment works technical assistance pro-
23 viders and grants or cooperative agreements to qualified
24 nonprofit medium treatment works technical assistance
25 providers to provide to owners and operators of small and

1 medium treatment works onsite technical assistance, cir-
 2 cuit-rider technical assistance programs, multi-State, re-
 3 gional technical assistance programs, and onsite and re-
 4 gional training, to assist the treatment works in achieving
 5 compliance with this Act or obtaining financing under this
 6 Act for eligible projects.

7 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 8 are authorized to be appropriated to carry out this sec-
 9 tion—

10 “(1) for grants for small treatment works tech-
 11 nical assistance, \$15,000,000 for each of fiscal years
 12 2017 through 2021; and

13 “(2) for grants for medium treatment works
 14 technical assistance, \$10,000,000 for each of fiscal
 15 years 2017 through 2021.”.

16 (b) WATER POLLUTION CONTROL REVOLVING LOAN
 17 FUNDS.—

18 (1) IN GENERAL.—Section 603 of the Federal
 19 Water Pollution Control Act (33 U.S.C. 1383) is
 20 amended—

21 (A) in subsection (d)—

22 (i) in the matter preceding paragraph
 23 (1), by inserting “and as provided in sub-
 24 section (e)” after “State law”;

1 (ii) by redesignating subsections (e)
 2 through (i) as subsections (f) through (j),
 3 respectively; and
 4 (iii) by inserting after subsection (d)
 5 the following:

6 “(e) **ADDITIONAL USE OF FUNDS.**—A State may use
 7 an additional 2 percent of the funds annually allotted to
 8 the State under this section for qualified nonprofit small
 9 treatment works technical assistance providers and quali-
 10 fied nonprofit medium treatment works technical assist-
 11 ance providers (as those terms are defined in section 222)
 12 to provide technical assistance to small treatment works
 13 and medium treatment works (as those terms are defined
 14 in section 222) in the State.”.

15 (2) **CONFORMING AMENDMENT.**—Section
 16 221(d) of the Federal Water Pollution Control Act
 17 (33 U.S.C. 1301(d)) is amended by striking “section
 18 603(h)” and inserting “section 603(i)”.

19 **SEC. 7203. INTEGRATED PLANS.**

20 (a) **INTEGRATED PLANS.**—Section 402 of the Fed-
 21 eral Water Pollution Control Act (33 U.S.C. 1342) is
 22 amended by adding at the end the following:

23 “(s) **INTEGRATED PLAN PERMITS.**—

24 “(1) **DEFINITIONS.**—In this subsection:

1 “(A) GREEN INFRASTRUCTURE.—The
2 term ‘green infrastructure’ means the range of
3 measures that use plant or soil systems, per-
4 meable pavement or other permeable surfaces
5 or substrates, stormwater harvest and reuse, or
6 landscaping to store, infiltrate, or
7 evapotranspire stormwater and reduce flows
8 to sewer systems or to surface waters.

9 “(B) INTEGRATED PLAN.—The term ‘inte-
10 grated plan’ has the meaning given in Part III
11 of the Integrated Municipal Stormwater and
12 Wastewater Planning Approach Framework,
13 issued by the Environmental Protection Agency
14 and dated June 5, 2012.

15 “(C) MUNICIPAL DISCHARGE.—

16 “(i) IN GENERAL.—The term ‘munic-
17 ipal discharge’ means a discharge from a
18 treatment works (as defined in section
19 212) or a discharge from a municipal
20 storm sewer under subsection (p).

21 “(ii) INCLUSION.—The term ‘munic-
22 ipal discharge’ includes a discharge of
23 wastewater or storm water collected from
24 multiple municipalities if the discharge is

1 covered by the same permit issued under
2 this section.

3 “(2) INTEGRATED PLAN.—

4 “(A) IN GENERAL.—The Administrator (or
5 a State, in the case of a permit program ap-
6 proved under subsection (b)) shall inform a mu-
7 nicipal permittee or multiple municipal permit-
8 tees of the opportunity to develop an integrated
9 plan.

10 “(B) SCOPE OF PERMIT INCORPORATING
11 INTEGRATED PLAN.—A permit issued under
12 this subsection that incorporates an integrated
13 plan may integrate all requirements under this
14 Act addressed in the integrated plan, including
15 requirements relating to—

16 “(i) a combined sewer overflow;

17 “(ii) a capacity, management, oper-
18 ation, and maintenance program for sani-
19 tary sewer collection systems;

20 “(iii) a municipal stormwater dis-
21 charge;

22 “(iv) a municipal wastewater dis-
23 charge; and

24 “(v) a water quality-based effluent
25 limitation to implement an applicable

1 wasteload allocation in a total maximum
2 daily load.

3 “(3) COMPLIANCE SCHEDULES.—

4 “(A) IN GENERAL.—A permit for a munic-
5 ipal discharge by a municipality that incor-
6 porates an integrated plan may include a sched-
7 ule of compliance, under which actions taken to
8 meet any applicable water quality-based effluent
9 limitation may be implemented over more than
10 1 permit term if the compliance schedules are
11 authorized by State water quality standards.

12 “(B) INCLUSION.—Actions subject to a
13 compliance schedule under subparagraph (A)
14 may include green infrastructure if imple-
15 mented as part of a water quality-based effluent
16 limitation.

17 “(C) REVIEW.—A schedule of compliance
18 may be reviewed each time the permit is re-
19 newed.

20 “(4) EXISTING AUTHORITIES RETAINED.—

21 “(A) APPLICABLE STANDARDS.—Nothing
22 in this subsection modifies any obligation to
23 comply with applicable technology and water
24 quality-based effluent limitations under this
25 Act.

1 “(B) FLEXIBILITY.—Nothing in this sub-
2 section reduces or eliminates any flexibility
3 available under this Act, including the authority
4 of—

5 “(i) a State to revise a water quality
6 standard after a use attainability analysis
7 under section 131.10(g) of title 40, Code
8 of Federal Regulations (as in effect on the
9 date of enactment of this subsection), sub-
10 ject to the approval of the Administrator
11 under section 303(c); and

12 “(ii) the Administrator or a State to
13 authorize a schedule of compliance that ex-
14 tends beyond the date of expiration of a
15 permit term if the schedule of compliance
16 meets the requirements of section 122.47
17 of title 40, Code of Federal Regulations
18 (as in effect on the date of enactment of
19 this subsection).

20 “(5) CLARIFICATION OF STATE AUTHORITY.—

21 “(A) IN GENERAL.—Nothing in section
22 301(b)(1)(C) precludes a State from author-
23 izing in the water quality standards of the
24 State the issuance of a schedule of compliance
25 to meet water quality-based effluent limitations

1 in permits that incorporate provisions of an in-
 2 tegrated plan.

3 “(B) TRANSITION RULE.—In any case in
 4 which a discharge is subject to a judicial order
 5 or consent decree as of the date of enactment
 6 of the Water Resources Development Act of
 7 2016 resolving an enforcement action under
 8 this Act, any schedule of compliance issued pur-
 9 suant to an authorization in a State water qual-
 10 ity standard shall not revise or otherwise affect
 11 a schedule of compliance in that order or decree
 12 unless the order or decree is modified by agree-
 13 ment of the parties and the court.”.

14 (b) MUNICIPAL OMBUDSMAN.—

15 (1) ESTABLISHMENT.—There is established
 16 within the Office of the Administrator an Office of
 17 the Municipal Ombudsman.

18 (2) GENERAL DUTIES.—The duties of the mu-
 19 nicipal ombudsman shall include the provision of—

20 (A) technical assistance to municipalities
 21 seeking to comply with the Federal Water Pol-
 22 lution Control Act (33 U.S.C. 1251 et seq.) and
 23 the Safe Drinking Water Act (42 U.S.C. 300f
 24 et seq.); and

1 (B) information to the Administrator to
2 help the Administrator ensure that agency poli-
3 cies are implemented by all offices of the Envi-
4 ronmental Protection Agency, including regional
5 offices.

6 (3) ACTIONS REQUIRED.—The municipal om-
7 budsman shall work with appropriate offices at the
8 headquarters and regional offices of the Environ-
9 mental Protection Agency to ensure that the munici-
10 pality seeking assistance is provided information—

11 (A) about available Federal financial as-
12 sistance for which the municipality is eligible;

13 (B) about flexibility available under the
14 Federal Water Pollution Control Act (33 U.S.C.
15 1251 et seq.) and, if applicable, the Safe Drink-
16 ing Water Act (42 U.S.C. 300f et seq.); and

17 (C) regarding the opportunity to develop
18 an integrated plan, as defined in section
19 402(s)(1)(B) of the Federal Water Pollution
20 Control Act (as added by subsection (a)).

21 (4) PRIORITY.—In carrying out paragraph (3),
22 the municipal ombudsman shall give priority to any
23 municipality that demonstrates affordability con-
24 cerns relating to compliance with the Federal Water
25 Pollution Control Act (33 U.S.C. 1251 et seq.) or

1 the Safe Drinking Water Act (42 U.S.C. 300f et
2 seq.).

3 (5) INFORMATION SHARING.—The municipal
4 ombudsman shall publish on the website of the Envi-
5 ronmental Protection Agency—

6 (A) general information relating to—

7 (i) the technical assistance referred to
8 in paragraph (2)(A);

9 (ii) the financial assistance referred to
10 in paragraph (3)(A);

11 (iii) the flexibility referred to in para-
12 graph 3(B); and

13 (iv) any resources related to inte-
14 grated plans developed by the Adminis-
15 trator; and

16 (B) a copy of each permit, order, or judi-
17 cial consent decree that implements or incor-
18 porates an integrated plan.

19 (c) MUNICIPAL ENFORCEMENT.—Section 309 of the
20 Federal Water Pollution Control Act (33 U.S.C. 1319) is
21 amended by adding at the end the following:

22 “(h) IMPLEMENTATION OF INTEGRATED PLANS
23 THROUGH ENFORCEMENT TOOLS.—

24 “(1) IN GENERAL.—In conjunction with an en-
25 forcement action under subsection (a) or (b) relating

1 to municipal discharges, the Administrator shall in-
2 form a municipality of the opportunity to develop an
3 integrated plan, as defined in section 402(s).

4 “(2) MODIFICATION.—Any municipality under
5 an administrative order under subsection (a) or set-
6 tlement agreement (including a judicial consent de-
7 cree) under subsection (b) that has developed an in-
8 tegrated plan consistent with section 402(s) may re-
9 quest a modification of the administrative order or
10 settlement agreement based on that integrated
11 plan.”.

12 (d) REPORT TO CONGRESS.—Not later than 2 years
13 after the date of enactment of this Act, the Administrator
14 shall submit to the Committee on Environment and Public
15 Works of the Senate and the Committee on Transpor-
16 tation and Infrastructure of the House of Representatives
17 and make publicly available a report on each integrated
18 plan developed and implemented through a permit, order,
19 or judicial consent decree since the date of publication of
20 the “Integrated Municipal Stormwater and Wastewater
21 Planning Approach Framework” issued by the Environ-
22 mental Protection Agency and dated June 5, 2012, includ-
23 ing a description of the control measures, levels of control,
24 estimated costs, and compliance schedules for the require-
25 ments implemented through an integrated plan.

1 **SEC. 7204. GREEN INFRASTRUCTURE PROMOTION.**

2 Title V of the Federal Water Pollution Control Act
3 (33 U.S.C. 1361 et seq.) is amended—

4 (1) by redesignating section 519 (33 U.S.C.
5 1251 note) as section 520; and

6 (2) by inserting after section 518 (33 U.S.C.
7 1377) the following:

8 **“SEC. 519. ENVIRONMENTAL PROTECTION AGENCY GREEN**
9 **INFRASTRUCTURE PROMOTION.**

10 “(a) IN GENERAL.—The Administrator shall ensure
11 that the Office of Water, the Office of Enforcement and
12 Compliance Assurance, the Office of Research and Devel-
13 opment, and the Office of Policy of the Environmental
14 Protection Agency promote the use of green infrastructure
15 in and coordinate the integration of green infrastructure
16 into, permitting programs, planning efforts, research,
17 technical assistance, and funding guidance.

18 “(b) DUTIES.—The Administrator shall ensure that
19 the Office of Water—

20 “(1) promotes the use of green infrastructure in
21 the programs of the Environmental Protection Agen-
22 cy; and

23 “(2) coordinates efforts to increase the use of
24 green infrastructure with—

25 “(A) other Federal departments and agen-
26 cies;

1 “(B) State, tribal, and local governments;
2 and
3 “(C) the private sector.

4 “(c) REGIONAL GREEN INFRASTRUCTURE PRO-
5 MOTION.—The Administrator shall direct each regional of-
6 fice of the Environmental Protection Agency, as appro-
7 priate based on local factors, and consistent with the re-
8 quirements of this Act, to promote and integrate the use
9 of green infrastructure within the region that includes—

10 “(1) outreach and training regarding green in-
11 frastructure implementation for State, tribal, and
12 local governments, tribal communities, and the pri-
13 vate sector; and

14 “(2) the incorporation of green infrastructure
15 into permitting and other regulatory programs,
16 codes, and ordinance development, including the re-
17 quirements under consent decrees and settlement
18 agreements in enforcement actions.

19 “(d) GREEN INFRASTRUCTURE INFORMATION-SHAR-
20 ING.—The Administrator shall promote green infrastruc-
21 ture information-sharing, including through an Internet
22 website, to share information with, and provide technical
23 assistance to, State, tribal, and local governments, tribal
24 communities, the private sector, and the public regarding
25 green infrastructure approaches for—

- 1 “(1) reducing water pollution;
2 “(2) protecting water resources;
3 “(3) complying with regulatory requirements;
4 and
5 “(4) achieving other environmental, public
6 health, and community goals.”.

7 **SEC. 7205. FINANCIAL CAPABILITY GUIDANCE.**

8 (a) DEFINITIONS.—In this section:

9 (1) AFFORDABILITY.—The term “affordability”
10 means, with respect to payment of a utility bill, a
11 measure of whether an individual customer or house-
12 hold can pay the bill without undue hardship or un-
13 reasonable sacrifice in the essential lifestyle or
14 spending patterns of the individual or household, as
15 determined by the Administrator.

16 (2) FINANCIAL CAPABILITY.—The term “finan-
17 cial capability” means the financial capability of a
18 community to make investments necessary to make
19 water quality or drinking water improvements.

20 (3) GUIDANCE.—The term “guidance” means
21 the guidance published by the Administrator entitled
22 “Combined Sewer Overflows—Guidance for Finan-
23 cial Capability Assessment and Schedule Develop-
24 ment” and dated February 1997, as applicable to
25 the combined sewer overflows and sanitary sewer

1 overflows guidance published by the Administrator
2 entitled “Financial Capability Assessment Frame-
3 work” and dated November 24, 2014.

4 (b) USE OF MEDIAN HOUSEHOLD INCOME.—The
5 Administrator shall not use median household income as
6 the sole indicator of affordability for a residential house-
7 hold.

8 (c) REVISED GUIDANCE.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date of completion of the National Academy of
11 Public Administration study to establish a definition
12 and framework for community affordability required
13 by Senate Report 114–70, accompanying S. 1645
14 (114th Congress), the Administrator shall revise the
15 guidance described in subsection (a)(3).

16 (2) USE OF GUIDANCE.—Beginning on the date
17 on which the revised guidance referred to in para-
18 graph (1) is finalized, the Administrator shall use
19 the revised guidance in lieu of the guidance de-
20 scribed in subsection (a)(3).

21 (d) CONSIDERATION AND CONSULTATION.—

22 (1) CONSIDERATION.—In revising the guidance,
23 the Administrator shall consider—

24 (A) the recommendations of the study re-
25 ferred to in subsection (c) and any other rel-

1 evant study, as determined by the Adminis-
2 trator;

3 (B) local economic conditions, including
4 site-specific local conditions that should be
5 taken into consideration in analyzing financial
6 capability;

7 (C) other essential community investments;

8 (D) potential adverse impacts on distressed
9 populations, including the percentage of low-in-
10 come ratepayers within the service area of a
11 utility and impacts in communities with dis-
12 parate economic conditions throughout the en-
13 tire service area of a utility;

14 (E) the degree to which rates of low-in-
15 come consumers would be affected by water in-
16 frastructure investments and the use of rate
17 structures to address the rates of low-income
18 consumers;

19 (F) an evaluation of an array of factors,
20 the relative importance of which may vary
21 across regions and localities; and

22 (G) the appropriate weight for economic,
23 public health, and environmental benefits asso-
24 ciated with improved water quality.

1 (2) CONSULTATION.—Any revised guidance
2 issued to replace the guidance shall be developed in
3 consultation with stakeholders.

4 (e) PUBLICATION AND SUBMISSION.—

5 (1) IN GENERAL.—On completion of the revi-
6 sion of the guidance, the Administrator shall publish
7 in the Federal Register and submit to the Com-
8 mittee on Environment and Public Works of the
9 Senate and the Committee on Transportation and
10 Infrastructure of the House of Representatives the
11 revised guidance.

12 (2) EXPLANATION.—If the Administrator
13 makes a determination not to follow 1 or more rec-
14 ommendations of the study referred to in subsection
15 (c)(1), the Administrator shall include in the publi-
16 cation and submission under paragraph (1) an ex-
17 planation of that decision.

18 (f) EFFECT.—Nothing in this section preempts or
19 interferes with any obligation to comply with any Federal
20 law, including the Federal Water Pollution Control Act
21 (33 U.S.C. 1251 et seq.).

22 **SEC. 7206. CHESAPEAKE BAY GRASS SURVEY.**

23 Section 117(i) of the Federal Water Pollution Control
24 Act (33 U.S.C. 1267(i)) is amended by adding at the end
25 the following:

1 “(3) ANNUAL SURVEY.—The Administrator
2 shall carry out an annual survey of sea grasses in
3 the Chesapeake Bay.”.

4 **SEC. 7207. GREAT LAKES HARMFUL ALGAL BLOOM COORDI-**
5 **NATOR.**

6 The Administrator, acting as the chair of the Great
7 Lakes Interagency Task Force, shall appoint a coordi-
8 nator to work with appropriate Federal agencies and
9 State, local, tribal, and foreign governments to coordinate
10 efforts to address the issue of harmful algal blooms in the
11 Great Lakes.

12 **Subtitle C—Innovative Financing**
13 **and Promotion of Innovative**
14 **Technologies**

15 **SEC. 7301. WATER INFRASTRUCTURE PUBLIC-PRIVATE**
16 **PARTNERSHIP PILOT PROGRAM.**

17 Section 5014(c) of the Water Resources Reform and
18 Development Act of 2014 (33 U.S.C. 2201 note; Public
19 Law 113–121) is amended by striking “Any activity un-
20 dertaken under this section is authorized only to the ex-
21 tent” and inserting “Nothing in this section obligates the
22 Secretary to expend funds unless”.

1 **SEC. 7302. WATER INFRASTRUCTURE FINANCE AND INNO-**
2 **VATION.**

3 (a) **AUTHORITY TO PROVIDE ASSISTANCE.**—Section
4 5023(b)(2) of the Water Infrastructure Finance and Inno-
5 vation Act of 2014 (33 U.S.C. 3902(b)(2)) is amended
6 by striking “carry out” and inserting “provide financial
7 assistance to carry out”.

8 (b) **PROJECTS ELIGIBLE FOR ASSISTANCE.**—

9 (1) **IN GENERAL.**—Section 5026 of the Water
10 Infrastructure Finance and Innovation Act of 2014
11 (33 U.S.C. 3905) is amended—

12 (A) in paragraph (6)—

13 (i) by striking “desalination project”
14 and inserting “desalination project, includ-
15 ing chloride control”; and

16 (ii) by striking “or a water recycling
17 project” and inserting “a water recycling
18 project, or a project to provide alternative
19 water supplies to reduce aquifer deple-
20 tion”;

21 (B) by redesignating paragraphs (7), (8),
22 and (9) as paragraphs (8), (9), and (10), re-
23 spectively;

24 (C) by inserting after paragraph (6) the
25 following:

1 “(7) A project to prevent, reduce, or mitigate
 2 the effects of drought, including projects that en-
 3 hance the resilience of drought-stricken water-
 4 sheds.”; and

5 (D) in paragraph (10) (as redesignated by
 6 subparagraph (B)), by striking “or (7)” and in-
 7 serting “(7), or (8)”.

8 (2) CONFORMING AMENDMENTS.—

9 (A) Section 5023(b) of the Water Infra-
 10 structure Finance and Innovation Act of 2014
 11 (33 U.S.C. 3902(b)) is amended—

12 (i) in paragraph (2), by striking “and
 13 (8)” and inserting “(7), and (9)”; and

14 (ii) in paragraph (3), by striking
 15 “paragraph (7) or (9)” and inserting
 16 “paragraph (8) or (10)”.

17 (B) Section 5024(b) of the Water Infra-
 18 structure Finance and Innovation Act of 2014
 19 (33 U.S.C. 3903(b)) is amended by striking
 20 “paragraph (8) or (9)” and inserting “para-
 21 graph (9) or (10)”.

22 (C) Section 5027(3) of the Water Infra-
 23 structure Finance and Innovation Act of 2014
 24 (33 U.S.C. 3906(3)) is amended by striking

1 “section 5026(7)” and inserting “section
2 5026(8)”.

3 (D) Section 5028 of the Water Infrastruc-
4 ture Finance and Innovation Act of 2014 (33
5 U.S.C. 3907) is amended—

6 (i) in subsection (a)(1)(E)—

7 (I) by striking “section 5026(9)”
8 and inserting “section 5026(10)”; and

9 (II) by striking “section
10 5026(8)” and inserting “section
11 5026(9)”; and

12 (ii) in subsection (b)(3), by striking
13 “section 5026(8)” and inserting “section
14 5026(9)”.

15 (c) DETERMINATION OF ELIGIBILITY AND PROJECT
16 SELECTION.—Section 5028(b)(2)(F) of the Water Infra-
17 structure Finance and Innovation Act of 2014 (33 U.S.C.
18 3907(b)(2)(F)) is amended—

19 (1) in clause (i), by striking “or” at the end;
20 and

21 (2) by striking clause (ii) and inserting the fol-
22 lowing:

23 “(ii) helps maintain or protect the en-
24 vironment;

1 “(iii) resists hazards due to a natural
2 disaster;

3 “(iv) continues to serve the primary
4 function of the water resources infrastruc-
5 ture project following a natural disaster;

6 “(v) reduces the magnitude or dura-
7 tion of a disruptive event to a water re-
8 sources infrastructure project; or

9 “(vi) has the absorptive, adaptive, and
10 recoverable capacities to withstand a po-
11 tentially disruptive event.”.

12 (d) TERMS AND CONDITIONS.—Section 5029(b) of
13 the Water Infrastructure Finance and Innovation Act of
14 2014 (33 U.S.C. 3908(b)) is amended—

15 (1) in paragraph (7)—

16 (A) by striking “The Secretary” and in-
17 serting the following:

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B), the Secretary”; and

20 (B) by adding at the end the following:

21 “(B) FINANCING FEES.—On request of an
22 eligible entity, the Secretary or the Adminis-
23 trator, as applicable, shall allow the fees under
24 subparagraph (A) to be financed as part of the
25 loan.”; and

1 (2) by adding at the end the following:

2 “(10) CREDIT.—Any eligible project costs in-
3 curred and the value of any integral in-kind con-
4 tributions made before receipt of assistance under
5 this subtitle shall be credited toward the 51 percent
6 of project costs to be provided by sources of funding
7 other than a secured loan under this subtitle (as de-
8 scribed in paragraph (2)(A)).”.

9 (e) REMOVAL OF PILOT DESIGNATION.—

10 (1) Subtitle C of title V of the Water Resources
11 Reform and Development Act of 2014 (33 U.S.C.
12 3901 et seq.) is amended by striking the subtitle
13 designation and heading and inserting the following:

14 **“Subtitle C—Innovative Financing**
15 **Projects”.**

16 (2) Section 5023 of the Water Infrastructure
17 Finance and Innovation Act of 2014 (33 U.S.C.
18 3092) is amended by striking “pilot” each place it
19 appears.

20 (3) Section 5034 of the Water Infrastructure
21 Finance and Innovation Act of 2014 (33 U.S.C.
22 3913) is amended by striking the section designation
23 and heading and inserting the following:

1 **“SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.”.**

2 (4) The table of contents for the Water Re-
3 sources Reform and Development Act of 2014 (Pub-
4 lic Law 113–121) is amended—

5 (A) by striking the item relating to subtitle
6 C of title V and inserting the following:

“Subtitle C—Innovative Financing Projects”.; and

7 (B) by striking the item relating to section
8 5034 and inserting the following:

“Sec. 5034. Reports on program implementation.”.

9 (f) SENSE OF THE SENATE.—It is the sense of the
10 Senate that—

11 (1) appropriations made available to carry out
12 the Water Infrastructure Finance and Innovation
13 Act of 2014 (33 U.S.C. 3901 et seq.) should be in
14 addition to robust funding for the State water pollu-
15 tion control revolving funds established under title
16 VI of the Federal Water Pollution Control Act (33
17 U.S.C. 1381 et seq.) and State drinking water treat-
18 ment revolving loan funds established under section
19 1452 of the Safe Drinking Water Act (42 U.S.C.
20 300j–12); and

21 (2) the appropriations made available for the
22 funds referred to in paragraph (1) should not de-
23 crease for any fiscal year.

1 **SEC. 7303. WATER INFRASTRUCTURE INVESTMENT TRUST**
2 **FUND.**

3 (a) CREATION OF TRUST FUND.—There is estab-
4 lished in the Treasury of the United States a trust fund
5 to be known as the “Water Infrastructure Investment
6 Trust Fund” (referred to in this section as the “Fund”),
7 consisting of such amounts as may be appropriated to or
8 deposited in such fund as provided in this section.

9 (b) TRANSFERS TO TRUST FUND.—The Secretary of
10 the Treasury (referred to in this section as the “Sec-
11 retary”) shall deposit in the Fund amounts equal to the
12 fees received before January 1, 2022, under subsection
13 (f)(2).

14 (c) EXPENDITURES.—Amounts in the Fund, includ-
15 ing interest earned and advances to the Fund and pro-
16 ceeds from investment under subsection (d), shall be avail-
17 able for expenditure, without further appropriation, as fol-
18 lows:

19 (1) 50 percent of the amounts shall be available
20 to the Administrator for making capitalization
21 grants under section 601 of the Federal Water Pol-
22 lution Control Act (33 U.S.C. 1381).

23 (2) 50 percent of the amounts shall be available
24 to the Administrator for making capitalization
25 grants under section 1452 of the Safe Drinking
26 Water Act (42 U.S.C. 300j–12).

1 (d) INVESTMENT.—Amounts in the Fund shall be in-
2 vested in accordance with section 9702 of title 31, United
3 States Code, and any interest on, and proceeds from, any
4 such investment shall be available for expenditure in ac-
5 cordance with this section.

6 (e) LIMITATION ON EXPENDITURES.—Amounts in
7 the Fund may not be made available for a fiscal year
8 under subsection (c) unless the sum of the funds appro-
9 priated to the Clean Water State Revolving Fund and the
10 Safe Drinking Water State Revolving Fund through an-
11 nual capitalization grants is not less than the average of
12 the sum of the annual amounts provided in capitalization
13 grants under section 601 of the Federal Water Pollution
14 Control Act (33 U.S.C. 1381) and section 1452 of the
15 Safe Drinking Water Act (42 U.S.C. 300j-12) for the 5-
16 fiscal-year period immediately preceding such fiscal year.

17 (f) VOLUNTARY LABELING SYSTEM.—

18 (1) IN GENERAL.—The Administrator, in con-
19 sultation with the Administrator of the Food and
20 Drug Administration, manufacturers, producers, and
21 importers, shall develop and implement a program
22 under which the Administrator provides a label de-
23 signed in consultation with manufacturers, pro-
24 ducers, and importers suitable for placement on
25 products to inform consumers that the manufac-

1 turer, producer, or importer of the product, and
2 other stakeholders, participates in the Fund.

3 (2) FEE.—The Administrator shall provide a
4 label for a fee of 3 cents per unit.

5 (g) EPA STUDY ON WATER PRICING.—

6 (1) STUDY.—The Administrator, with participa-
7 tion by the States, shall conduct a study to—

8 (A) assess the affordability gap faced by
9 low-income populations located in urban and
10 rural areas in obtaining services from clean
11 water and drinking water systems; and

12 (B) analyze options for programs to pro-
13 vide incentives for rate adjustments at the local
14 level to achieve “full cost” or “true value” pric-
15 ing for such services, while protecting low-in-
16 come ratepayers from undue burden.

17 (2) REPORT.—Not later than 180 days after
18 the date of enactment of this Act, the Administrator
19 shall submit to the Committee on the Environment
20 and Public Works of the Senate and the Committee
21 on Transportation and Infrastructure and the Com-
22 mittee on Energy and Commerce of the House of
23 Representatives a report on the results of the study.

1 **SEC. 7304. INNOVATIVE WATER TECHNOLOGY GRANT PRO-**
2 **GRAM.**

3 (a) **DEFINITION OF ELIGIBLE ENTITY.**—In this sec-
4 tion, the term “eligible entity” means—

5 (1) a public utility, including publicly owned
6 treatment works and clean water systems;

7 (2) a unit of local government, including a mu-
8 nicipality or a joint powers authority;

9 (3) a private entity, including a farmer or man-
10 ufacturer;

11 (4) an institution of higher education;

12 (5) a research institution or foundation;

13 (6) a State;

14 (7) a regional organization; or

15 (8) a nonprofit organization.

16 (b) **GRANT PROGRAM AUTHORIZED.**—The Adminis-
17 trator shall carry out a grant program for purposes de-
18 scribed in subsection (c) to accelerate the development of
19 innovative water technologies that address pressing water
20 challenges.

21 (c) **GRANTS.**—In carrying out the program under
22 subsection (b), the Administrator shall make to eligible en-
23 tities grants that—

24 (1) finance projects to develop, deploy, test, and
25 improve emerging water technologies;

1 (2) fund entities that provide technical assist-
2 ance to deploy innovative water technologies more
3 broadly, especially—

4 (A) to increase adoption of innovative
5 water technologies in—

6 (i) municipal drinking water and
7 wastewater treatment systems;

8 (ii) areas served by private wells; or

9 (iii) water supply systems in arid
10 areas that are experiencing, or have re-
11 cently experienced, prolonged drought con-
12 ditions; and

13 (B) in a manner that reduces ratepayer or
14 community costs over time, including the cost
15 of future capital investments; or

16 (3) support technologies that, as determined by
17 the Administrator—

18 (A) improve water quality of a water
19 source;

20 (B) improve the safety and security of a
21 drinking water delivery system;

22 (C) minimize contamination of drinking
23 water and drinking water sources, including
24 contamination by lead, bacteria, chlorides, and
25 nitrates;

(D) improve the quality and timeliness and decrease the cost of drinking water quality tests, especially technologies that can be deployed within water systems and at individual faucets to provide accurate real-time tests of water quality, especially with respect to lead, bacteria, and nitrate content;

(E) increase water supplies in arid areas that are experiencing, or have recently experienced, prolonged drought conditions;

(F) treat edge-of-field runoff to improve water quality;

(G) treat agricultural, municipal, and industrial wastewater;

(H) recycle or reuse water;

(I) manage urban storm water runoff;

(J) reduce sewer or stormwater overflows;

(K) conserve water;

(L) improve water quality by reducing salinity;

(M) mitigate air quality impacts associated with declining water resources;

(N) address treatment byproduct and brine disposal alternatives; or

1 (O) address urgent water quality and
2 human health needs.

3 (d) PRIORITY FUNDING.—In making grants under
4 this section, the Administrator shall give priority to
5 projects that have the potential—

6 (1) to provide substantial cost savings across a
7 sector;

8 (2) to significantly improve human health or
9 the environment; or

10 (3) to provide additional water supplies with
11 minimal environmental impact.

12 (e) COST-SHARING.—The Federal share of the cost
13 of activities carried out using a grant made under this sec-
14 tion shall be not more than 65 percent.

15 (f) LIMITATION.—The maximum amount of a grant
16 provided to a project under this section shall be
17 \$5,000,000.

18 (g) REPORT.—Each year, the Administrator shall
19 submit to Congress and make publicly available on the
20 website of the Administrator a report that describes any
21 advancements during the previous year in development of
22 innovative water technologies made as a result of funding
23 provided under this section.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
 2 authorized to be appropriated to carry out this section
 3 \$50,000,000 for each fiscal year.

4 (i) FUNDING.—Out of any funds in the Treasury not
 5 otherwise appropriated, the Secretary of the Treasury
 6 shall transfer to the Administrator to provide grants to
 7 eligible entities under this section \$10,000,000, to remain
 8 available until expended.

9 **SEC. 7305. WATER RESOURCES RESEARCH ACT AMEND-**
 10 **MENTS.**

11 (a) CONGRESSIONAL FINDINGS AND DECLARA-
 12 TIONS.—Section 102 of the Water Resources Research
 13 Act of 1984 (42 U.S.C. 10301) is amended—

14 (1) by redesignating paragraphs (7) through
 15 (9) as paragraphs (8) through (10), respectively;

16 (2) in paragraph (8) (as so redesignated), by
 17 striking “and” at the end; and

18 (3) by inserting after paragraph (6) the fol-
 19 lowing:

20 “(7) additional research is required to increase
 21 the effectiveness and efficiency of new and existing
 22 treatment works through alternative approaches, in-
 23 cluding—

24 “(A) nonstructural alternatives;

25 “(B) decentralized approaches;

1 “(C) water use efficiency and conservation;
 2 and
 3 “(D) actions to reduce energy consumption
 4 or extract energy from wastewater;”.

5 (b) WATER RESOURCES RESEARCH AND TECH-
 6 NOLOGY INSTITUTES.—Section 104 of the Water Re-
 7 sources Research Act of 1984 (42 U.S.C. 10303) is
 8 amended—

9 (1) in subsection (b)(1)—

10 (A) in subparagraph (B)(ii), by striking
 11 “water-related phenomena” and inserting
 12 “water resources”; and

13 (B) in subparagraph (D), by striking the
 14 period at the end and inserting “; and”;

15 (2) in subsection (c)—

16 (A) by striking “From the” and inserting
 17 the following:

18 “(1) IN GENERAL.—From the”; and

19 (B) by adding at the end the following:

20 “(2) REPORT.—Not later than December 31 of
 21 each fiscal year, the Secretary shall submit to the
 22 Committee on Environment and Public Works of the
 23 Senate, the Committee on the Budget of the Senate,
 24 the Committee on Transportation and Infrastructure
 25 of the House of Representatives, and the Committee

1 on the Budget of the House of Representatives a re-
 2 port regarding the compliance of each funding re-
 3 cipient with this subsection for the immediately pre-
 4 ceding fiscal year.”;

5 (3) by striking subsection (e) and inserting the
 6 following:

7 “(e) EVALUATION OF WATER RESOURCES RESEARCH
 8 PROGRAM.—

9 “(1) IN GENERAL.—The Secretary shall con-
 10 duct a careful and detailed evaluation of each insti-
 11 tute at least once every 3 years to determine—

12 “(A) the quality and relevance of the water
 13 resources research of the institute;

14 “(B) the effectiveness of the institute at
 15 producing measured results and applied water
 16 supply research; and

17 “(C) whether the effectiveness of the insti-
 18 tute as an institution for planning, conducting,
 19 and arranging for research warrants continued
 20 support under this section.

21 “(2) PROHIBITION ON FURTHER SUPPORT.—If,
 22 as a result of an evaluation under paragraph (1), the
 23 Secretary determines that an institute does not qual-
 24 ify for further support under this section, no further
 25 grants to the institute may be provided until the

1 qualifications of the institute are reestablished to the
 2 satisfaction of the Secretary.”;

3 (4) in subsection (f)(1), by striking
 4 “\$12,000,000 for each of fiscal years 2007 through
 5 2011” and inserting “\$7,500,000 for each of fiscal
 6 years 2017 through 2021”; and

7 (5) in subsection (g)(1), in the first sentence,
 8 by striking “\$6,000,000 for each of fiscal years
 9 2007 through 2011” and inserting “\$1,500,000 for
 10 each of fiscal years 2017 through 2021”.

11 **SEC. 7306. REAUTHORIZATION OF WATER DESALINATION**
 12 **ACT OF 1996.**

13 (a) AUTHORIZATION OF RESEARCH AND STUDIES.—
 14 Section 3 of the Water Desalination Act of 1996 (42
 15 U.S.C. 10301 note; Public Law 104–298) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (6), by striking “and” at
 18 the end;

19 (B) in paragraph (7), by striking the pe-
 20 riod at the end and inserting a semicolon; and

21 (C) by adding at the end the following:

22 “(8) development of metrics to analyze the
 23 costs and benefits of desalination relative to other
 24 sources of water (including costs and benefits related
 25 to associated infrastructure, energy use, environ-

1 mental impacts, and diversification of water sup-
2 plies); and

3 “(9) development of design and siting specifica-
4 tions that avoid, minimize, or offset adverse social,
5 economic, and environmental impacts.”; and

6 (2) by adding at the end the following:

7 “(e) PRIORITIZATION.—In carrying out this section,
8 the Secretary shall prioritize funding for research—

9 “(1) to reduce energy consumption and lower
10 the cost of desalination, including chloride control;

11 “(2) to reduce the environmental impacts of
12 seawater desalination and develop technology and
13 strategies to minimize those impacts;

14 “(3) to improve existing reverse osmosis and
15 membrane technology;

16 “(4) to carry out basic and applied research on
17 next generation desalination technologies, including
18 improved energy recovery systems and renewable en-
19 ergy-powered desalination systems that could signifi-
20 cantly reduce desalination costs;

21 “(5) to develop portable or modular desalina-
22 tion units capable of providing temporary emergency
23 water supplies for domestic or military deployment
24 purposes; and

1 “(6) to develop and promote innovative desali-
2 nation technologies, including chloride control, iden-
3 tified by the Secretary.”.

4 (b) DESALINATION DEMONSTRATION AND DEVELOP-
5 MENT.—Section 4 of the Water Desalination Act of 1996
6 (42 U.S.C. 10301 note; Public Law 104–298) is amended
7 by adding at the end the following:

8 “(c) PRIORITIZATION.—In carrying out demonstra-
9 tion and development activities under this section, the Sec-
10 retary shall prioritize projects—

11 “(1) for the benefit of drought-stricken States
12 and communities;

13 “(2) for the benefit of States that have author-
14 ized funding for research and development of desali-
15 nation technologies and projects;

16 “(3) that can reduce reliance on imported water
17 supplies that have an impact on species listed under
18 the Endangered Species Act of 1973 (16 U.S.C.
19 1531 et seq.); and

20 “(4) that demonstrably leverage the experience
21 of international partners with considerable expertise
22 in desalination, such as the State of Israel.”.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
24 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301
25 note; Public Law 104–298) is amended—

1 (1) in the first sentence of subsection (a)—

2 (A) by striking “\$5,000,000” and inserting

3 “\$8,000,000”; and

4 (B) by striking “2013” and inserting

5 “2021”; and

6 (2) in subsection (b), by striking “for each of

7 fiscal years 2012 through 2013” and inserting “for

8 each of fiscal years 2017 through 2021”.

9 (d) CONSULTATION.—Section 9 of the Water Desali-
10 nation Act of 1996 (42 U.S.C. 10301 note; Public Law
11 104–298) is amended—

12 (1) by striking the section designation and
13 heading and all that follows through “In carrying
14 out” in the first sentence and inserting the fol-
15 lowing:

16 **“SEC. 9. CONSULTATION AND COORDINATION.**

17 “(a) CONSULTATION.—In carrying out”;

18 (2) in the second sentence, by striking “The au-
19 thorization” and inserting the following:

20 “(c) OTHER DESALINATION PROGRAMS.—The au-
21 thorization”; and

22 (3) by inserting after subsection (a) (as des-
23 ignated by paragraph (1)) the following:

24 “(b) COORDINATION OF FEDERAL DESALINATION
25 RESEARCH AND DEVELOPMENT.—The White House Of-

1 fice of Science and Technology Policy shall develop a co-
2 ordinated strategic plan that—

3 “(1) establishes priorities for future Federal in-
4 vestments in desalination;

5 “(2) coordinates the activities of Federal agen-
6 cies involved in desalination, including the Bureau of
7 Reclamation, the Corps of Engineers, the United
8 States Army Tank Automotive Research, Develop-
9 ment and Engineering Center, the National Science
10 Foundation, the Office of Naval Research of the De-
11 partment of Defense, the National Laboratories of
12 the Department of Energy, the United States Geo-
13 logical Survey, the Environmental Protection Agen-
14 cy, and the National Oceanic and Atmospheric Ad-
15 ministration;

16 “(3) strengthens research and development co-
17 operation with international partners, such as the
18 State of Israel, in the area of desalination tech-
19 nology; and

20 “(4) promotes public-private partnerships to de-
21 velop a framework for assessing needs for, and to
22 optimize siting and design of, future ocean desalina-
23 tion projects.”.

1 **SEC. 7307. NATIONAL DROUGHT RESILIENCE GUIDELINES.**

2 (a) IN GENERAL.—The Secretary of the Interior, the
3 Secretary of Agriculture, the Secretary of Commerce, the
4 Administrator, and other appropriate Federal agency
5 heads along with State, local, and tribal governments,
6 shall jointly develop nonregulatory national drought resil-
7 ience guidelines relating to drought preparedness planning
8 and investments for communities, water utilities, and
9 other water users and providers, in a manner consistent
10 with the Presidential Memorandum entitled “Building Na-
11 tional Capabilities for Long-Term Drought Resilience”
12 (81 Fed. Reg. 16053 (March 21, 2016)).

13 (b) CONSULTATION.—In developing the national
14 drought resilience guidelines, the Administrator and other
15 Federal agency heads referred to in subsection (a) shall
16 consult with—

- 17 (1) State and local governments;
18 (2) water utilities;
19 (3) scientists;
20 (4) institutions of higher education;
21 (5) relevant private entities; and
22 (6) other stakeholders.

23 (c) CONTENTS.—The national drought resilience
24 guidelines developed under this section shall, to the max-
25 imum extent practicable, provide recommendations for a
26 period of 10 years that—

1 (1) address a broad range of potential actions,
2 including—

3 (A) analysis of the impacts of the changing
4 frequency and duration of drought on the fu-
5 ture effectiveness of water management tools;

6 (B) the identification of drought-related
7 water management challenges in a broad range
8 of fields, including—

9 (i) public health and safety;

10 (ii) municipal and industrial water
11 supply;

12 (iii) agricultural water supply;

13 (iv) water quality;

14 (v) ecosystem health; and

15 (vi) water supply planning;

16 (C) water management tools to reduce
17 drought-related impacts, including—

18 (i) water use efficiency through gal-
19 lons per capita reduction goals, appliance
20 efficiency standards, water pricing incen-
21 tives, and other measures;

22 (ii) water recycling;

23 (iii) groundwater clean-up and stor-
24 age;

- 1 (iv) new technologies, such as behav-
2 ioral water efficiency; and
- 3 (v) stormwater capture and reuse;
- 4 (D) water-related energy and greenhouse
5 gas reduction strategies; and
- 6 (E) public education and engagement; and
- 7 (2) include recommendations relating to the
8 processes that Federal, State, and local governments
9 and water utilities should consider when developing
10 drought resilience preparedness and plans, includ-
11 ing—
- 12 (A) the establishment of planning goals;
- 13 (B) the evaluation of institutional capacity;
- 14 (C) the assessment of drought-related risks
15 and vulnerabilities, including the integration of
16 climate-related impacts;
- 17 (D) the establishment of a development
18 process, including an evaluation of the cost-ef-
19 fectiveness of potential strategies;
- 20 (E) the inclusion of private entities, tech-
21 nical advisors, and other stakeholders in the de-
22 velopment process;
- 23 (F) implementation and financing issues;
- 24 and

1 (G) evaluation of the plan, including any
2 updates to the plan.

3 **SEC. 7308. INNOVATION IN STATE WATER POLLUTION CON-**
4 **TROL REVOLVING LOAN FUNDS.**

5 (a) IN GENERAL.—Subsection (j)(1)(B) (as redesign-
6 nated by section 7202(b)(1)(A)(ii)) of section 603 of the
7 Federal Water Pollution Control Act (33 U.S.C. 1383) is
8 amended—

- 9 (1) in clause (iii), by striking “or” at the end;
10 (2) in clause (iv), by striking the period at the
11 end and inserting “; or”; and
12 (3) by adding at the end the following:

13 “(v) to encourage the use of innova-
14 tive water technologies related to any of
15 the issues identified in clauses (i) through
16 (iv) or, as determined by the State, any
17 other eligible project and activity eligible
18 for assistance under subsection (c)”.

19 (b) INNOVATIVE WATER TECHNOLOGIES.—Section
20 603 of the Federal Water Pollution Control Act (33
21 U.S.C. 1383) (as amended by section 7202(b)(1)) is
22 amended by adding at the end the following:

23 “(k) TECHNICAL ASSISTANCE.—The Administrator
24 may provide technical assistance to facilitate and encour-

1 age the provision of financial assistance for innovative
2 water technologies.

3 “(l) REPORT.—Not later than 1 year after the date
4 of enactment of the Water Resources Development Act of
5 2016, and not less frequently than every 5 years there-
6 after, the Administrator shall submit to Congress a report
7 that describes—

8 “(1) the amount of financial assistance pro-
9 vided by State water pollution control revolving
10 funds to deploy innovative water technologies;

11 “(2) the barriers impacting greater use of inno-
12 vative water technologies; and

13 “(3) the cost-saving potential to cities and fu-
14 ture infrastructure investments from emerging tech-
15 nologies.”.

16 **SEC. 7309. INNOVATION IN DRINKING WATER STATE RE-**
17 **VOLVING LOAN FUNDS.**

18 Section 1452 of the Safe Drinking Water Act (42
19 U.S.C. 300j-12) (as amended by section 7105) is amend-
20 ed—

21 (1) in subsection (d)—

22 (A) by striking the heading and inserting

23 “ADDITIONAL ASSISTANCE.—”;

24 (B) in paragraph (1)—

1 (i) by striking “Notwithstanding” and
2 inserting the following:

3 “(A) IN GENERAL.—Notwithstanding”;
4 and

5 (ii) by adding at the end the fol-
6 lowing:

7 “(B) INNOVATIVE WATER TECHNOLOGY.—
8 Notwithstanding any other provision of this sec-
9 tion, in the case of a State that makes a loan
10 under subsection (a)(2) to carry out an eligible
11 activity through the use of an innovative water
12 technology (including technologies to improve
13 water treatment to ensure compliance with this
14 title and technologies to identify and mitigate
15 sources of drinking water contamination, in-
16 cluding lead contamination), the State may pro-
17 vide additional subsidization, including forgive-
18 ness of principal that is not more than 50 per-
19 cent of the cost of the portion of the project as-
20 sociated with the innovative technology.”;

21 (C) in paragraph (2)—

22 (i) by striking “For each fiscal year”
23 and inserting the following:

24 “(A) IN GENERAL.—For each fiscal year”;
25 and

1 (ii) by adding at the end the fol-
2 lowing:

3 “(B) INNOVATIVE WATER TECHNOLOGY.—
4 For each fiscal year, not more than 20 percent
5 of the loan subsidies that may be made by a
6 State under paragraph (1) may be used to pro-
7 vide additional subsidization under subpara-
8 graph (B) of that paragraph.”; and

9 (D) in paragraph (3), in the first sentence,
10 by inserting “, or portion of a service area,”
11 after “service area”; and

12 (2) by adding at the end the following:

13 “(t) TECHNICAL ASSISTANCE.—The Administrator
14 may provide technical assistance to facilitate and encour-
15 age the provision of financial assistance for the deploy-
16 ment of innovative water technologies.

17 “(u) REPORT.—Not later than 1 year after the date
18 of enactment of the Water Resources Development Act of
19 2016, and not less frequently than every 5 years there-
20 after, the Administrator shall submit to Congress a report
21 that describes—

22 “(1) the amount of financial assistance pro-
23 vided by State loan funds to deploy innovative water
24 technologies;

1 “(2) the barriers impacting greater use of inno-
2 vative water technologies; and

3 “(3) the cost-saving potential to cities and fu-
4 ture infrastructure investments from emerging tech-
5 nologies.”.

6 **Subtitle D—Drinking Water Dis-** 7 **aster Relief and Infrastructure** 8 **Investments**

9 **SEC. 7401. DRINKING WATER INFRASTRUCTURE.**

10 (a) DEFINITIONS.—In this section:

11 (1) ELIGIBLE STATE.—The term “eligible
12 State” means a State for which the President has
13 declared an emergency under the Robert T. Stafford
14 Disaster Relief and Emergency Assistance Act (42
15 U.S.C. 5121 et seq.) relating to the public health
16 threats associated with the presence of lead or other
17 contaminants in a public drinking water supply sys-
18 tem.

19 (2) ELIGIBLE SYSTEM.—The term “eligible sys-
20 tem” means a public drinking water supply system
21 that has been the subject of an emergency declara-
22 tion referred to in paragraph (1).

23 (b) STATE REVOLVING LOAN FUND ASSISTANCE.—

24 (1) IN GENERAL.—An eligible system shall be—

1 (A) considered to be a disadvantaged com-
2 munity under section 1452(d) of the Safe
3 Drinking Water Act (42 U.S.C. 300j–12(d));
4 and

5 (B) eligible to receive loans with additional
6 subsidization under that Act (42 U.S.C. 300f et
7 seq.), including forgiveness of principal under
8 section 1452(d)(1) of that Act (42 U.S.C.
9 300j–12(d)(1)).

10 (2) AUTHORIZATION.—

11 (A) IN GENERAL.—Using funds provided
12 under subsection (e)(1)(A), an eligible State
13 may provide assistance to an eligible system
14 within the eligible State, for the purpose of ad-
15 dressing lead or other contaminants in drinking
16 water, including repair and replacement of pub-
17 lic and private drinking water infrastructure.

18 (B) INCLUSION.—Assistance provided
19 under subparagraph (A) may include additional
20 subsidization under the Safe Drinking Water
21 Act (42 U.S.C. 300f et seq.), as described in
22 paragraph (1)(B).

23 (C) EXCLUSION.—Assistance provided
24 under subparagraph (A) shall not include as-
25 sistance for a project that is financed (directly

or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act—

(i) the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(3) LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided under subsection (e)(1)(A); or

(B) any other loan provided to an eligible system.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—Using funds provided under subsection (e)(2)(A), the Administrator may make a secured loan under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) to—

(i) an eligible State to carry out a project eligible under paragraphs (2)

1 through (9) of section 5026 of that Act
2 (33 U.S.C. 3905) to address lead or other
3 contaminants in drinking water in an eligi-
4 ble system, including repair and replace-
5 ment of public and private drinking water
6 infrastructure; and

7 (ii) any eligible entity under section
8 5025 of that Act (33 U.S.C. 3904) for a
9 project eligible under paragraphs (2)
10 through (9) of section 5026 of that Act
11 (33 U.S.C. 3905).

12 (B) AMOUNT.—Notwithstanding section
13 5029(b)(2) of the Water Infrastructure Finance
14 and Innovation Act of 2014 (33 U.S.C.
15 3908(b)(2)), the amount of a secured loan pro-
16 vided under subparagraph (A)(i) may be equal
17 to not more than 80 percent of the reasonably
18 anticipated costs of the projects.

19 (2) FEDERAL INVOLVEMENT.—Notwithstanding
20 section 5029(b)(9) of the Water Infrastructure Fi-
21 nance and Innovation Act of 2014 (33 U.S.C.
22 3908(b)(9)), any costs for a project to address lead
23 or other contaminants in drinking water in an eligi-
24 ble system that are not covered by a secured loan
25 under paragraph (1) may be covered using amounts

1 in the State revolving loan fund under section 1452
2 of the Safe Drinking Water Act (42 U.S.C. 300j–
3 12).

4 (d) NONDUPLICATION OF WORK.—An activity car-
5 ried out pursuant to this section shall not duplicate the
6 work or activity of any other Federal or State department
7 or agency.

8 (e) FUNDING.—

9 (1) ADDITIONAL DRINKING WATER STATE RE-
10 VOLVING FUND CAPITALIZATION GRANTS.—

11 (A) IN GENERAL.—The Secretary of the
12 Treasury shall make available to the Adminis-
13 trator a total of \$100,000,000 to provide addi-
14 tional grants to eligible States pursuant to sec-
15 tion 1452 of the Safe Drinking Water Act (42
16 U.S.C. 300j–12), to be available for a period of
17 18 months beginning on the date on which the
18 funds are made available, for the purposes de-
19 scribed in subsection (b)(2), and after the end
20 of the 18-month period, until expended for the
21 purposes described in subparagraph (C).

22 (B) SUPPLEMENTED INTENDED USE
23 PLANS.—From funds made available under sub-
24 paragraph (A), the Administrator shall obligate
25 to an eligible State such amounts as are nec-

1 necessary to meet the needs identified in a supple-
2 mented intended use plan by not later than 30
3 days after the date on which the eligible State
4 submits to the Administrator a supplemented
5 intended use plan under section 1452(b) of the
6 Safe Drinking Water Act (42 U.S.C. 300j-
7 12(b)) that includes preapplication information
8 regarding projects to be funded using the addi-
9 tional assistance, including, with respect to each
10 such project—

11 (i) a description of the project;

12 (ii) an explanation of the means by
13 which the project will address a situation
14 causing a declared emergency in the eligi-
15 ble State;

16 (iii) the estimated cost of the project;

17 and

18 (iv) the projected start date for con-
19 struction of the project.

20 (C) UNOBLIGATED AMOUNTS.—Of any
21 amounts made available to the Administrator
22 under subparagraph (A) that are unobligated
23 on the date that is 18 months after the date on
24 which the amounts are made available—

1 (i) 50 percent shall be available to
2 provide additional grants under section
3 1459A of the Safe Drinking Water Act (as
4 added by section 7106); and

5 (ii) 50 percent shall be available to
6 provide additional grants under section
7 1459B of the Safe Drinking Water Act (as
8 added by section 7107).

9 (D) APPLICABILITY.—Section 1452(b)(1)
10 of the Safe Drinking Water Act (42 U.S.C.
11 300j–12(b)(1)) shall not apply to a supplement
12 to an intended use plan under subparagraph
13 (B).

14 (2) WIFIA FUNDING.—

15 (A) IN GENERAL.—As soon as practicable
16 after the date of enactment of this Act, the Sec-
17 retary of the Treasury shall make available to
18 the Administrator \$70,000,000 to provide cred-
19 it subsidies, in consultation with the Director of
20 the Office of Management and Budget, for se-
21 cured loans under subsection (c)(1)(A) with a
22 goal of providing secured loans totaling at least
23 \$700,000,000.

24 (B) USE.—Secured loans provided pursu-
25 ant to subparagraph (A) shall be available to

1 carry out activities described in subsection
2 (c)(1)(A).

3 (C) EXCLUSION.—Of the amounts made
4 available under subparagraph (A), \$20,000,000
5 shall not be used to provide assistance for a
6 project that is financed (directly or indirectly),
7 in whole or in part, with proceeds of any obliga-
8 tion issued after the date of enactment of this
9 Act—

10 (i) the interest of which is exempt
11 from the tax imposed under chapter 1 of
12 the Internal Revenue Code of 1986; or

13 (ii) with respect to which credit is al-
14 lowable under subpart I or J of part IV of
15 subchapter A of chapter 1 of such Code.

16 (3) APPLICABILITY.—Unless explicitly waived,
17 all requirements under the Safe Drinking Water Act
18 (42 U.S.C. 300f et seq.) and the Water Infrastruc-
19 ture Finance and Innovation Act of 2014 (33 U.S.C.
20 3901 et seq.) shall apply to funding provided under
21 this subsection.

22 (f) HEALTH EFFECTS EVALUATION.—

23 (1) IN GENERAL.—Pursuant to section
24 104(i)(1)(E) of the Comprehensive Environmental
25 Response, Compensation, and Liability Act (42

1 U.S.C. 9604(i)(1)(E)), and on receipt of a request
2 of an appropriate State or local health official of an
3 eligible State, the Director of the Agency for Toxic
4 Substances and Disease Registry of the National
5 Center for Environmental Health shall in coordina-
6 tion with other agencies, as appropriate, conduct vol-
7 untary surveillance activities to evaluate any adverse
8 health effects on individuals exposed to lead from
9 drinking water in the affected communities.

10 (2) CONSULTATIONS.—Pursuant to section
11 104(i)(4) of the Comprehensive Environmental Re-
12 sponse, Compensation, and Liability Act (42 U.S.C.
13 9604(i)(4)), and on receipt of a request of an appro-
14 priate State or local health official of an eligible
15 State, the Director of the Agency for Toxic Sub-
16 stances and Disease Registry of the National Center
17 for Environmental Health shall provide consultations
18 regarding health issues described in paragraph (1).

19 **SEC. 7402. LOAN FORGIVENESS.**

20 The matter under the heading “STATE AND TRIBAL
21 ASSISTANCE GRANTS” under the heading “ENVIRON-
22 MENTAL PROTECTION AGENCY” in title II of divi-
23 sion G of the Consolidated Appropriations Act, 2016
24 (Public Law 114–113), is amended in paragraph (1), by
25 striking the semicolon at the end and inserting the fol-

1 lowing: “or, if a Federal or State emergency declaration
 2 has been issued due to a threat to public health from
 3 heightened exposure to lead in a municipal drinking water
 4 supply, before the date of enactment of this Act: *Provided*
 5 *further*, That in a State in which such an emergency dec-
 6 laration has been issued, the State may use more than
 7 20 percent of the funds made available under this title
 8 to the State for Drinking Water State Revolving Fund
 9 capitalization grants to provide additional subsidy to eligi-
 10 ble recipients;”.

11 **SEC. 7403. REGISTRY FOR LEAD EXPOSURE AND ADVISORY**
 12 **COMMITTEE.**

13 (a) DEFINITIONS.—In this section:

14 (1) CITY.—The term “City” means a city ex-
 15 posed to lead contamination in the local drinking
 16 water system.

17 (2) COMMITTEE.—The term “Committee”
 18 means the Advisory Committee established under
 19 subsection (c).

20 (3) SECRETARY.—The term “Secretary” means
 21 the Secretary of Health and Human Services.

22 (b) LEAD EXPOSURE REGISTRY.—The Secretary
 23 shall establish within the Agency for Toxic Substances and
 24 Disease Registry or another relevant agency at the discre-
 25 tion of the Secretary, or establish through a grant award

1 or contract, a lead exposure registry to collect data on the
2 lead exposure of residents of a City on a voluntary basis.

3 (c) ADVISORY COMMITTEE.—

4 (1) MEMBERSHIP.—

5 (A) IN GENERAL.—The Secretary shall es-
6 tablish an Advisory Committee in coordination
7 with the Director of the Centers for Disease
8 Control and Prevention and other relevant
9 agencies as determined by the Secretary con-
10 sisting of Federal members and non-Federal
11 members, and which shall include—

- 12 (i) an epidemiologist;
13 (ii) a toxicologist;
14 (iii) a mental health professional;
15 (iv) a pediatrician;
16 (v) an early childhood education ex-
17 pert;
18 (vi) a special education expert;
19 (vii) a dietician; and
20 (viii) an environmental health expert.

21 (B) REQUIREMENTS.—Membership in the
22 Committee shall not exceed 15 members and
23 not less than $\frac{1}{2}$ of the members shall be Fed-
24 eral members.

1 (2) CHAIR.—The Secretary shall designate a
2 chair from among the Federal members appointed to
3 the Committee.

4 (3) TERMS.—Members of the Committee shall
5 serve for a term of not more than 3 years and the
6 Secretary may reappoint members for consecutive
7 terms.

8 (4) APPLICATION OF FACCA.—The Committee
9 shall be subject to the Federal Advisory Committee
10 Act (5 U.S.C. App.).

11 (5) RESPONSIBILITIES.—The Committee shall,
12 at a minimum—

13 (A) review the Federal programs and serv-
14 ices available to individuals and communities
15 exposed to lead;

16 (B) review current research on lead poi-
17 soning to identify additional research needs;

18 (C) review and identify best practices, or
19 the need for best practices, regarding lead
20 screening and the prevention of lead poisoning;

21 (D) identify effective services, including
22 services relating to healthcare, education, and
23 nutrition for individuals and communities af-
24 fected by lead exposure and lead poisoning, in-
25 cluding in consultation with, as appropriate, the

1 lead exposure registry as established in sub-
2 section (b); and

3 (E) undertake any other review or activi-
4 ties that the Secretary determines to be appro-
5 priate.

6 (6) REPORT.—Annually for 5 years and there-
7 after as determined necessary by the Secretary or as
8 required by Congress, the Committee shall submit to
9 the Secretary, the Committees on Finance, Health,
10 Education, Labor, and Pensions, and Agriculture,
11 Nutrition, and Forestry of the Senate and the Com-
12 mittees on Education and the Workforce, Energy
13 and Commerce, and Agriculture of the House of
14 Representatives a report that includes—

15 (A) an evaluation of the effectiveness of
16 the Federal programs and services available to
17 individuals and communities exposed to lead;

18 (B) an evaluation of additional lead poi-
19 soning research needs;

20 (C) an assessment of any effective screen-
21 ing methods or best practices used or developed
22 to prevent or screen for lead poisoning;

23 (D) input and recommendations for im-
24 proved access to effective services relating to
25 healthcare, education, or nutrition for individ-

uals and communities impacted by lead exposure; and

(E) any other recommendations for communities affected by lead exposure, as appropriate.

(d) MANDATORY FUNDING.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary, to be available during the period of fiscal years 2016 through 2020—

(A) \$17,500,000 to carry out subsection

(b); and

(B) \$2,500,000 to carry out subsection (c).

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subsections (b) and (c) the funds transferred under subparagraphs (A) and (B) of paragraph (1), respectively, without further appropriation.

SEC. 7404. ADDITIONAL FUNDING FOR CERTAIN CHILDHOOD HEALTH PROGRAMS.

(a) CHILDHOOD LEAD POISONING PREVENTION PROGRAM.—

1 (1) IN GENERAL.—On the date of enactment of
2 this Act, out of any funds in the Treasury not other-
3 wise appropriated, the Secretary of the Treasury
4 shall transfer to the Director of the Centers for Dis-
5 ease Control and Prevention, to be available during
6 the period of fiscal years 2017 and 2018,
7 \$10,000,000 for the childhood lead poisoning pre-
8 vention program authorized under section 317A of
9 the Public Health Service Act (42 U.S.C. 247b–1).

10 (2) RECEIPT AND ACCEPTANCE.—The Director
11 of the Centers for Disease Control and Prevention
12 shall be entitled to receive, shall accept, and shall
13 use to carry out the childhood lead poisoning preven-
14 tion program authorized under section 317A of the
15 Public Health Service Act (42 U.S.C. 247b–1) the
16 funds transferred under paragraph (1), without fur-
17 ther appropriation.

18 (b) HEALTHY HOMES PROGRAM.—

19 (1) IN GENERAL.—On the date of enactment of
20 this Act, out of any funds in the Treasury not other-
21 wise appropriated, the Secretary of the Treasury
22 shall transfer to the Secretary of Housing and
23 Urban Development, to be available during the pe-
24 riod of fiscal years 2017 and 2018, \$10,000,000 to

1 carry out the Healthy Homes Initiative of the De-
2 partment of Housing and Urban Development.

3 (2) RECEIPT AND ACCEPTANCE.—The Sec-
4 retary of Housing and Urban Development shall be
5 entitled to receive, shall accept, and shall use to
6 carry out the Healthy Homes Initiative of the De-
7 partment of Housing and Urban Development the
8 funds transferred under paragraph (1), without fur-
9 ther appropriation.

10 (c) HEALTHY START PROGRAM.—

11 (1) IN GENERAL.—On the date of enactment of
12 this Act, out of any funds in the Treasury not other-
13 wise appropriated, the Secretary of the Treasury
14 shall transfer to the Administrator of the Health Re-
15 sources and Services Administration, to be available
16 during the period of fiscal years 2017 and 2018,
17 \$10,000,000 to carry out the Healthy Start Initia-
18 tive under section 330H of the Public Health Serv-
19 ice Act (42 U.S.C. 254c–8).

20 (2) RECEIPT AND ACCEPTANCE.—The Adminis-
21 trator of the Health Resources and Services Admin-
22 istration shall be entitled to receive, shall accept,
23 and shall use to carry out the Healthy Start Initia-
24 tive under section 330H of the Public Health Serv-

1 ice Act (42 U.S.C. 254c–8) the funds transferred
2 under paragraph (1), without further appropriation.

3 **SEC. 7405. REVIEW AND REPORT.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Attorney General and
6 the Inspector General of the Environmental Protection
7 Agency shall submit to the Committees on Appropriations,
8 Environment and Public Works, and Homeland Security
9 and Governmental Affairs of the Senate and the Commit-
10 tees on Appropriations, Energy and Commerce, Transpor-
11 tation and Infrastructure, and Oversight and Government
12 Reform of the House of Representatives a report on the
13 status of any ongoing investigations into the Federal and
14 State response to the contamination of the drinking water
15 supply of the City of Flint, Michigan.

16 (b) REVIEW.—Not later than 30 days after the com-
17 pletion of the investigations described in subsection (a),
18 the Comptroller General of the United States shall com-
19 mence a review of issues that are not addressed by the
20 investigations and relating to—

21 (1) the adequacy of the response by the State
22 of Michigan and the City of Flint to the drinking
23 water crisis in Flint, Michigan, including the timeli-
24 ness and transparency of the response, as well as the

1 capacity of the State and City to manage the drink-
 2 ing water system; and

3 (2) the adequacy of the response by Region 5
 4 of the Environmental Protection Agency to the
 5 drinking water crisis in Flint, Michigan, including
 6 the timeliness and transparency of the response.

7 (c) CONTENTS OF REPORT.—Not later than 1 year
 8 after commencing each review under subsection (b), the
 9 Comptroller General of the United States shall submit to
 10 Congress a report that includes—

11 (1) a statement of the principal findings of the
 12 review; and

13 (2) recommendations for Congress and the
 14 President to take any actions to prevent a similar
 15 situation in the future and to protect public health.

16 **Subtitle E—Report on** 17 **Groundwater Contamination**

18 **SEC. 7501. DEFINITIONS.**

19 In this subtitle:

20 (1) COMPREHENSIVE STRATEGY.—The term
 21 “comprehensive strategy” means a plan for—

22 (A) the remediation of the plume under the
 23 Comprehensive Environmental Response, Com-
 24 pensation, and Liability Act of 1980 (42 U.S.C.
 25 9601 et seq.); or

1 (B) corrective action under the Solid
2 Waste Disposal Act (42 U.S.C. 6901 et seq.).

3 (2) GROUNDWATER.—The term “groundwater”
4 means water in a saturated zone or stratum beneath
5 the surface of land or water.

6 (3) PLUME.—The term “plume” means any
7 hazardous waste (as defined in section 1004 of the
8 Solid Waste Disposal Act (42 U.S.C. 6903)) or haz-
9 ardous substance (as defined in section 101 of the
10 Comprehensive Environmental Response, Compensa-
11 tion, and Liability Act of 1980 (42 U.S.C. 9601))
12 found in the groundwater supply.

13 (4) SITE.—The term “site” means the site lo-
14 cated at 830 South Oyster Bay Road, Bethpage,
15 New York, 11714 (Environmental Protection Agency
16 identification number NYD002047967).

17 **SEC. 7502. REPORT ON GROUNDWATER CONTAMINATION.**

18 Not later than 180 days after the date of enactment
19 of this Act and annually thereafter, the Secretary of the
20 Navy shall submit to Congress a report on the ground-
21 water contamination from the site that includes—

22 (1) a description of the status of the ground-
23 water contaminants that are leaving the site and mi-
24 grating to a location within a 10-mile radius of the
25 site, including—

1 (A) detailed mapping of the movement of
 2 the plume over time; and

3 (B) projected migration rates of the plume;
 4 (2) an analysis of the current and future im-
 5 pact of the movement of the plume on drinking
 6 water facilities; and

7 (3) a comprehensive strategy to prevent the
 8 groundwater contaminants from the site from con-
 9 taminating drinking water wells that, as of the date
 10 of the submission of the report, have not been af-
 11 fected by the migration of the plume.

12 **Subtitle F—Restoration**

13 **PART I—GREAT LAKES RESTORATION**

14 **SEC. 7611. GREAT LAKES RESTORATION INITIATIVE.**

15 Section 118(c) of the Federal Water Pollution Con-
 16 trol Act (33 U.S.C. 1268(c)) is amended by striking para-
 17 graph (7) and inserting the following:

18 “(7) GREAT LAKES RESTORATION INITIA-
 19 TIVE.—

20 “(A) ESTABLISHMENT.—There is estab-
 21 lished in the Agency a Great Lakes Restoration
 22 Initiative (referred to in this paragraph as the
 23 ‘Initiative’) to carry out programs and projects
 24 for Great Lakes protection and restoration.

1 “(B) FOCUS AREAS.—Each fiscal year
2 under a 5-year Initiative Action Plan, the Ini-
3 tiative shall prioritize programs and projects,
4 carried out in coordination with non-Federal
5 partners, that address priority areas, such as—

6 “(i) the remediation of toxic sub-
7 stances and areas of concern;

8 “(ii) the prevention and control of
9 invasive species and the impacts of invasive
10 species;

11 “(iii) the protection and restoration of
12 nearshore health and the prevention and
13 mitigation of nonpoint source pollution;

14 “(iv) habitat and wildlife protection
15 and restoration, including wetlands res-
16 toration and preservation; and

17 “(v) accountability, monitoring, eval-
18 uation, communication, and partnership
19 activities.

20 “(C) PROJECTS.—Under the Initiative, the
21 Agency shall collaborate with Federal partners,
22 including the Great Lakes Interagency Task
23 Force, to select the best combination of pro-
24 grams and projects for Great Lakes protection
25 and restoration using appropriate principles

and criteria, including whether a program or project provides—

“(i) the ability to achieve strategic and measurable environmental outcomes that implement the Great Lakes Action Plan and the Great Lakes Water Quality Agreement;

“(ii) the feasibility of—

“(I) prompt implementation;

“(II) timely achievement of results; and

“(III) resource leveraging; and

“(iii) the opportunity to improve interagency and inter-organizational coordination and collaboration to reduce duplication and streamline efforts.

“(D) IMPLEMENTATION OF PROJECTS.—

“(i) IN GENERAL.—Subject to subparagraph (G)(ii), funds made available to carry out the Initiative shall be used to strategically implement—

“(I) Federal projects; and

“(II) projects carried out in coordination with States, Indian tribes,

1 municipalities, institutions of higher
2 education, and other organizations.

3 “(ii) TRANSFER OF FUNDS.—With
4 amounts made available for the Initiative
5 each fiscal year, the Administrator may—

6 “(I) transfer not more than
7 \$300,000,000 to the head of any Fed-
8 eral department or agency, with the
9 concurrence of the department or
10 agency head, to carry out activities to
11 support the Initiative and the Great
12 Lakes Water Quality Agreement;

13 “(II) enter into an interagency
14 agreement with the head of any Fed-
15 eral department or agency to carry
16 out activities described in subclause
17 (I); and

18 “(III) make grants to govern-
19 mental entities, nonprofit organiza-
20 tions, institutions, and individuals for
21 planning, research, monitoring, out-
22 reach, and implementation of projects
23 in furtherance of the Initiative and
24 the Great Lakes Water Quality Agree-
25 ment.

1 “(E) SCOPE.—

2 “(i) IN GENERAL.—Projects shall be
3 carried out under the Initiative on multiple
4 levels, including—

5 “(I) Great Lakes-wide; and

6 “(II) Great Lakes basin-wide.

7 “(ii) LIMITATION.—No funds made
8 available to carry out the Initiative may be
9 used for any water infrastructure activity
10 (other than a green infrastructure project
11 that improves habitat and other ecosystem
12 functions in the Great Lakes) for which
13 amounts are made available from—

14 “(I) a State water pollution con-
15 trol revolving fund established under
16 title VI; or

17 “(II) a State drinking water re-
18 volving loan fund established under
19 section 1452 of the Safe Drinking
20 Water Act (42 U.S.C. 300j–12).

21 “(F) ACTIVITIES BY OTHER FEDERAL
22 AGENCIES.—Each relevant Federal department
23 or agency shall, to the maximum extent prac-
24 ticable—

1 “(i) maintain the base level of funding
2 for the Great Lakes activities of that de-
3 partment or agency without regard to
4 funding under the Initiative; and

5 “(ii) identify new activities and
6 projects to support the environmental goals
7 of the Initiative and the Great Lakes
8 Water Quality Agreement.

9 “(G) FUNDING.—

10 “(i) IN GENERAL.—There is author-
11 ized to be appropriated to carry out this
12 paragraph \$300,000,000 for each of fiscal
13 years 2017 through 2021.

14 “(ii) LIMITATION.—Nothing in this
15 paragraph creates, expands, or amends the
16 authority of the Administrator to imple-
17 ment programs or projects under—

18 “(I) this section;

19 “(II) the Initiative Action Plan;

20 or

21 “(III) the Great Lakes Water
22 Quality Agreement.”.

1 **SEC. 7612. AMENDMENTS TO THE GREAT LAKES FISH AND**
2 **WILDLIFE RESTORATION ACT OF 1990.**

3 (a) REFERENCES.—Except as otherwise expressly
4 provided, wherever in this section an amendment is ex-
5 pressed in terms of an amendment to a section or other
6 provision, the reference shall be considered to be made to
7 a section or other provision of the Great Lakes Fish and
8 Wildlife Restoration Act of 1990 (16 U.S.C. 941 et seq.).

9 (b) FINDINGS.—The Act is amended by striking sec-
10 tion 1002 and inserting the following:

11 **“SEC. 1002. FINDINGS.**

12 “Congress finds that—

13 “(1) the Great Lakes have fish and wildlife
14 communities that are structurally and functionally
15 changing;

16 “(2) successful fish and wildlife management
17 focuses on the lakes as ecosystems, and effective
18 management requires the coordination and integra-
19 tion of efforts of many partners;

20 “(3) it is in the national interest to undertake
21 activities in the Great Lakes Basin that support sus-
22 tainable fish and wildlife resources of common con-
23 cern provided under the Great Lakes Restoration
24 Initiative Action Plan based on the recommendations
25 of the Great Lakes Regional Collaboration author-
26 ized under Executive Order 13340 (69 Fed. Reg.

1 29043; relating to the Great Lakes Interagency
2 Task Force);

3 “(4) additional actions and better coordination
4 are needed to protect and effectively manage the fish
5 and wildlife resources, and the habitats on which the
6 resources depend, in the Great Lakes Basin;

7 “(5) as of the date of enactment of this Act, ac-
8 tions are not funded that are considered essential to
9 meet the goals and objectives in managing the fish
10 and wildlife resources, and the habitats on which the
11 resources depend, in the Great Lakes Basin; and

12 “(6) this Act allows Federal agencies, States,
13 and Indian tribes to work in an effective partnership
14 by providing the funding for restoration work.”.

15 (c) IDENTIFICATION, REVIEW, AND IMPLEMENTA-
16 TION OF PROPOSALS AND REGIONAL PROJECTS.—

17 (1) REQUIREMENTS FOR PROPOSALS AND RE-
18 GIONAL PROJECTS.—Section 1005(b)(2)(B) (16
19 U.S.C. 941c(b)(2)(B)) is amended—

20 (A) in clause (v), by striking “and” at the
21 end;

22 (B) in clause (vi), by striking the period at
23 the end and inserting a semicolon; and

24 (C) by adding at the end the following:

1 “(vii) the strategic action plan of the
 2 Great Lakes Restoration Initiative; and
 3 “(viii) each applicable State wildlife
 4 action plan.”.

5 (2) REVIEW OF PROPOSALS.—Section
 6 1005(e)(2)(C) (16 U.S.C. 941c(e)(2)(C)) is amended
 7 by striking “Great Lakes Coordinator of the”.

8 (3) COST SHARING.—Section 1005(e) (16
 9 U.S.C. 941c(e)) is amended—

10 (A) in paragraph (1)—

11 (i) by striking “Except as provided in
 12 paragraphs (2) and (4), not less than 25
 13 percent of the cost of implementing a pro-
 14 posal” and inserting the following:

15 “(A) NON-FEDERAL SHARE.—Except as
 16 provided in paragraphs (3) and (5) and subject
 17 to paragraph (2), not less than 25 percent of
 18 the cost of implementing a proposal or regional
 19 project”; and

20 (ii) by adding at the end the fol-
 21 lowing:

22 “(B) TIME PERIOD FOR PROVIDING
 23 MATCH.—The non-Federal share of the cost of
 24 implementing a proposal or regional project re-
 25 quired under subparagraph (A) may be pro-

1 vided at any time during the 2-year period pre-
2 ceding January 1 of the year in which the Di-
3 rector receives the application for the proposal
4 or regional project.”;

5 (B) by redesignating paragraphs (2)
6 through (4) as paragraphs (3) through (5), re-
7 spectively; and

8 (C) by inserting before paragraph (3) (as
9 so redesignated) the following:

10 “(2) AUTHORIZED SOURCES OF NON-FEDERAL
11 SHARE.—

12 “(A) IN GENERAL.—The Director may de-
13 termine the non-Federal share under paragraph
14 (1) by taking into account—

15 “(i) the appraised value of land or a
16 conservation easement as described in sub-
17 paragraph (B); or

18 “(ii) as described in subparagraph
19 (C), the costs associated with—

20 “(I) land acquisition or securing
21 a conservation easement; and

22 “(II) restoration or enhancement
23 of that land or conservation easement.

24 “(B) APPRAISAL OF LAND OR CONSERVA-
25 TION EASEMENT.—

1 “(i) IN GENERAL.—The value of land
2 or a conservation easement may be used to
3 satisfy the non-Federal share of the cost of
4 implementing a proposal or regional
5 project required under paragraph (1)(A) if
6 the Director determines that the land or
7 conservation easement—

8 “(I) meets the requirements of
9 subsection (b)(2);

10 “(II) is acquired before the end
11 of the grant period of the proposal or
12 regional project;

13 “(III) is held in perpetuity for
14 the conservation purposes of the pro-
15 grams of the United States Fish and
16 Wildlife Service related to the Great
17 Lakes Basin, as described in section
18 1006, by an accredited land trust or
19 conservancy or a Federal, State, or
20 tribal agency;

21 “(IV) is connected either phys-
22 ically or through a conservation plan-
23 ning process to the proposal or re-
24 gional project; and

1 “(V) is appraised in accordance
2 with clause (ii).

3 “(ii) APPRAISAL.—With respect to the
4 appraisal of land or a conservation ease-
5 ment described in clause (i)—

6 “(I) the appraisal valuation date
7 shall be not later than 1 year after
8 the price of the land or conservation
9 easement was set under a contract;
10 and

11 “(II) the appraisal shall—

12 “(aa) conform to the Uni-
13 form Standards of Professional
14 Appraisal Practice (USPAP);
15 and

16 “(bb) be completed by a
17 Federal- or State-certified ap-
18 praiser.

19 “(C) COSTS OF LAND ACQUISITION OR SE-
20 CURING CONSERVATION EASEMENT.—

21 “(i) IN GENERAL.—All costs associ-
22 ated with land acquisition or securing a
23 conservation easement and restoration or
24 enhancement of that land or conservation
25 easement may be used to satisfy the non-

1 Federal share of the cost of implementing
 2 a proposal or regional project required
 3 under paragraph (1)(A) if the activities
 4 and expenses associated with the land ac-
 5 quisition or securing the conservation ease-
 6 ment and restoration or enhancement of
 7 that land or conservation easement meet
 8 the requirements of subparagraph (B)(i).

9 “(ii) INCLUSION.—The costs referred
 10 to in clause (i) may include cash, in-kind
 11 contributions, and indirect costs.

12 “(iii) EXCLUSION.—The costs referred
 13 to in clause (i) may not be costs associated
 14 with mitigation or litigation (other than
 15 costs associated with the Natural Resource
 16 Damage Assessment program).”.

17 (d) ESTABLISHMENT OF OFFICES.—Section 1007
 18 (16 U.S.C. 941e) is amended—

19 (1) in subsection (b)—

20 (A) in the subsection heading, by striking
 21 “FISHERY RESOURCES” and inserting “FISH
 22 AND WILDLIFE CONSERVATION”; and

23 (B) by striking “Fishery Resources” each
 24 place it appears and inserting “Fish and Wild-
 25 life Conservation”;

1 (2) in subsection (c)—

2 (A) in the subsection heading, by striking
3 “FISHERY RESOURCES” and inserting “FISH
4 AND WILDLIFE CONSERVATION”; and

5 (B) by striking “Fishery Resources” each
6 place it appears and inserting “Fish and Wild-
7 life Conservation”;

8 (3) by striking subsection (a); and

9 (4) by redesignating subsections (b) and (c) as
10 subsections (a) and (b), respectively.

11 (e) REPORTS.—Section 1008 (16 U.S.C. 941f) is
12 amended—

13 (1) in subsection (a), in the matter preceding
14 paragraph (1), by striking “2011” and inserting
15 “2021”;

16 (2) in subsection (b)—

17 (A) in the matter preceding paragraph (1),
18 by striking “2007 through 2012” and inserting
19 “2016 through 2020”; and

20 (B) in paragraph (5), by inserting “the
21 Great Lakes Restoration Initiative Action Plan
22 based on” after “in support of”; and

23 (3) by striking subsection (c) and inserting the
24 following:

1 “(c) CONTINUED MONITORING AND ASSESSMENT OF
 2 STUDY FINDINGS AND RECOMMENDATIONS.—The Direc-
 3 tor—

4 “(1) shall continue to monitor the status, and
 5 the assessment, management, and restoration needs,
 6 of the fish and wildlife resources of the Great Lakes
 7 Basin; and

8 “(2) may reassess and update, as necessary, the
 9 findings and recommendations of the Report.”.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
 11 1009 (16 U.S.C. 941g) is amended—

12 (1) in the matter preceding paragraph (1), by
 13 striking “2007 through 2012” and inserting “2016
 14 through 2021”;

15 (2) in paragraph (1)—

16 (A) in the matter preceding subparagraph
 17 (A), by striking “\$14,000,000” and inserting
 18 “\$6,000,000”;

19 (B) in subparagraph (A), by striking
 20 “\$4,600,000” and inserting “\$2,000,000”; and

21 (C) in subparagraph (B), by striking
 22 “\$700,000” and inserting “\$300,000”; and

23 (3) in paragraph (2), by striking “the activities
 24 of” and all that follows through “section 1007” and
 25 inserting “the activities of the Upper Great Lakes

1 Fish and Wildlife Conservation Offices and the
2 Lower Great Lakes Fish and Wildlife Conservation
3 Office under section 1007”.

4 (g) CONFORMING AMENDMENT.—Section 8 of the
5 Great Lakes Fish and Wildlife Restoration Act of 2006
6 (16 U.S.C. 941 note; Public Law 109–326) is repealed.

7 **PART II—LAKE TAHOE RESTORATION**

8 **SEC. 7621. FINDINGS AND PURPOSES.**

9 The Lake Tahoe Restoration Act (Public Law 106–
10 506; 114 Stat. 2351) is amended by striking section 2
11 and inserting the following:

12 **“SEC. 2. FINDINGS AND PURPOSES.**

13 “(a) FINDINGS.—Congress finds that—

14 “(1) Lake Tahoe—

15 “(A) is one of the largest, deepest, and
16 clearest lakes in the world;

17 “(B) has a cobalt blue color, a biologically
18 diverse alpine setting, and remarkable water
19 clarity; and

20 “(C) is recognized nationally and world-
21 wide as a natural resource of special signifi-
22 cance;

23 “(2) in addition to being a scenic and ecological
24 treasure, the Lake Tahoe Basin is one of the out-

1 standing recreational resources of the United States,
2 which—

3 “(A) offers skiing, water sports, biking,
4 camping, and hiking to millions of visitors each
5 year; and

6 “(B) contributes significantly to the econo-
7 mies of California, Nevada, and the United
8 States;

9 “(3) the economy in the Lake Tahoe Basin is
10 dependent on the conservation and restoration of the
11 natural beauty and recreation opportunities in the
12 area;

13 “(4) the ecological health of the Lake Tahoe
14 Basin continues to be challenged by the impacts of
15 land use and transportation patterns developed in
16 the last century;

17 “(5) the alteration of wetland, wet meadows,
18 and stream zone habitat have compromised the ca-
19 pacity of the watershed to filter sediment, nutrients,
20 and pollutants before reaching Lake Tahoe;

21 “(6) forests in the Lake Tahoe Basin suffer
22 from over a century of fire damage and periodic
23 drought, which have resulted in—

24 “(A) high tree density and mortality;

25 “(B) the loss of biological diversity; and

1 “(C) a large quantity of combustible forest
2 fuels, which significantly increases the threat of
3 catastrophic fire and insect infestation;

4 “(7) the establishment of several aquatic and
5 terrestrial invasive species (including perennial
6 pepperweed, milfoil, and Asian clam) threatens the
7 ecosystem of the Lake Tahoe Basin;

8 “(8) there is an ongoing threat to the economy
9 and ecosystem of the Lake Tahoe Basin of the intro-
10 duction and establishment of other invasive species
11 (such as yellow starthistle, New Zealand mud snail,
12 Zebra mussel, and quagga mussel);

13 “(9) 78 percent of the land in the Lake Tahoe
14 Basin is administered by the Federal Government,
15 which makes it a Federal responsibility to restore ec-
16 ological health to the Lake Tahoe Basin;

17 “(10) the Federal Government has a long his-
18 tory of environmental stewardship at Lake Tahoe,
19 including—

20 “(A) congressional consent to the estab-
21 lishment of the Planning Agency with—

22 “(i) the enactment in 1969 of Public
23 Law 91–148 (83 Stat. 360); and

24 “(ii) the enactment in 1980 of Public
25 Law 96–551 (94 Stat. 3233);

1 “(B) the establishment of the Lake Tahoe
2 Basin Management Unit in 1973;

3 “(C) the enactment of Public Law 96–586
4 (94 Stat. 3381) in 1980 to provide for the ac-
5 quisition of environmentally sensitive land and
6 erosion control grants in the Lake Tahoe Basin;

7 “(D) the enactment of sections 341 and
8 342 of the Department of the Interior and Re-
9 lated Agencies Appropriations Act, 2004 (Pub-
10 lic Law 108–108; 117 Stat. 1317), which
11 amended the Southern Nevada Public Land
12 Management Act of 1998 (Public Law 105–
13 263; 112 Stat. 2346) to provide payments for
14 the environmental restoration programs under
15 this Act; and

16 “(E) the enactment of section 382 of the
17 Tax Relief and Health Care Act of 2006 (Pub-
18 lic Law 109–432; 120 Stat. 3045), which
19 amended the Southern Nevada Public Land
20 Management Act of 1998 (Public Law 105–
21 263; 112 Stat. 2346) to authorize development
22 and implementation of a comprehensive 10-year
23 hazardous fuels and fire prevention plan for the
24 Lake Tahoe Basin;

1 “(11) the Assistant Secretary was an original
2 signatory in 1997 to the Agreement of Federal De-
3 partments on Protection of the Environment and
4 Economic Health of the Lake Tahoe Basin;

5 “(12) the Chief of Engineers, under direction
6 from the Assistant Secretary, has continued to be a
7 significant contributor to Lake Tahoe Basin restora-
8 tion, including—

9 “(A) stream and wetland restoration; and

10 “(B) programmatic technical assistance;

11 “(13) at the Lake Tahoe Presidential Forum in
12 1997, the President renewed the commitment of the
13 Federal Government to Lake Tahoe by—

14 “(A) committing to increased Federal re-
15 sources for ecological restoration at Lake
16 Tahoe; and

17 “(B) establishing the Federal Interagency
18 Partnership and Federal Advisory Committee to
19 consult on natural resources issues concerning
20 the Lake Tahoe Basin;

21 “(14) at the 2011 and 2012 Lake Tahoe Fo-
22 rums, Senator Reid, Senator Feinstein, Senator
23 Heller, Senator Ensign, Governor Gibbons, Governor
24 Sandoval, and Governor Brown—

1 “(A) renewed their commitment to Lake
2 Tahoe; and

3 “(B) expressed their desire to fund the
4 Federal and State shares of the Environmental
5 Improvement Program through 2022;

6 “(15) since 1997, the Federal Government, the
7 States of California and Nevada, units of local gov-
8 ernment, and the private sector have contributed
9 more than \$1,955,500,000 to the Lake Tahoe
10 Basin, including—

11 “(A) \$635,400,000 from the Federal Gov-
12 ernment;

13 “(B) \$758,600,000 from the State of Cali-
14 fornia;

15 “(C) \$123,700,000 from the State of Ne-
16 vada;

17 “(D) \$98,900,000 from units of local gov-
18 ernment; and

19 “(E) \$338,900,000 from private interests;

20 “(16) significant additional investment from
21 Federal, State, local, and private sources is nec-
22 essary—

23 “(A) to restore and sustain the ecological
24 health of the Lake Tahoe Basin;

1 “(B) to adapt to the impacts of fluctuating
2 water temperature and precipitation; and

3 “(C) to prevent the introduction and estab-
4 lishment of invasive species in the Lake Tahoe
5 Basin; and

6 “(17) the Secretary has indicated that the Lake
7 Tahoe Basin Management Unit has the capacity for
8 at least \$10,000,000 annually for the Fire Risk Re-
9 duction and Forest Management Program.

10 “(b) PURPOSES.—The purposes of this Act are—

11 “(1) to enable the Chief of the Forest Service,
12 the Director of the United States Fish and Wildlife
13 Service, and the Administrator, in cooperation with
14 the Planning Agency and the States of California
15 and Nevada, to fund, plan, and implement signifi-
16 cant new environmental restoration activities and
17 forest management activities in the Lake Tahoe
18 Basin;

19 “(2) to ensure that Federal, State, local, re-
20 gional, tribal, and private entities continue to work
21 together to manage land in the Lake Tahoe Basin;

22 “(3) to support local governments in efforts re-
23 lated to environmental restoration, stormwater pollu-
24 tion control, fire risk reduction, and forest manage-
25 ment activities; and

1 “(4) to ensure that agency and science commu-
 2 nity representatives in the Lake Tahoe Basin work
 3 together—

4 “(A) to develop and implement a plan for
 5 integrated monitoring, assessment, and applied
 6 research to evaluate the effectiveness of the En-
 7 vironmental Improvement Program; and

8 “(B) to provide objective information as a
 9 basis for ongoing decisionmaking, with an em-
 10 phasis on decisionmaking relating to resource
 11 management in the Lake Tahoe Basin.”.

12 **SEC. 7622. DEFINITIONS.**

13 The Lake Tahoe Restoration Act (Public Law 106–
 14 506; 114 Stat. 2351) is amended by striking section 3
 15 and inserting the following:

16 **“SEC. 3. DEFINITIONS.**

17 “In this Act:

18 “(1) ADMINISTRATOR.—The term ‘Adminis-
 19 trator’ means the Administrator of the Environ-
 20 mental Protection Agency.

21 “(2) ASSISTANT SECRETARY.—The term ‘As-
 22 sistant Secretary’ means the Assistant Secretary of
 23 the Army for Civil Works.

24 “(3) CHAIR.—The term ‘Chair’ means the
 25 Chair of the Federal Partnership.

1 “(4) COMPACT.—The term ‘Compact’ means
2 the Tahoe Regional Planning Compact included in
3 the first section of Public Law 96–551 (94 Stat.
4 3233).

5 “(5) DIRECTORS.—The term ‘Directors’
6 means—

7 “(A) the Director of the United States
8 Fish and Wildlife Service; and

9 “(B) the Director of the United States Ge-
10 ological Survey.

11 “(6) ENVIRONMENTAL IMPROVEMENT PRO-
12 GRAM.—The term ‘Environmental Improvement Pro-
13 gram’ means—

14 “(A) the Environmental Improvement Pro-
15 gram adopted by the Planning Agency; and

16 “(B) any amendments to the Program.

17 “(7) ENVIRONMENTAL THRESHOLD CARRYING
18 CAPACITY.—The term ‘environmental threshold car-
19 rying capacity’ has the meaning given the term in
20 Article II of the Compact.

21 “(8) FEDERAL PARTNERSHIP.—The term ‘Fed-
22 eral Partnership’ means the Lake Tahoe Federal
23 Interagency Partnership established by Executive
24 Order 13057 (62 Fed. Reg. 41249) (or a successor
25 Executive order).

1 “(9) FOREST MANAGEMENT ACTIVITY.—The
2 term ‘forest management activity’ includes—

3 “(A) prescribed burning for ecosystem
4 health and hazardous fuels reduction;

5 “(B) mechanical and minimum tool treat-
6 ment;

7 “(C) stream environment zone restoration
8 and other watershed and wildlife habitat en-
9 hancements;

10 “(D) nonnative invasive species manage-
11 ment; and

12 “(E) other activities consistent with Forest
13 Service practices, as the Secretary determines
14 to be appropriate.

15 “(10) MAPS.—The term ‘Maps’ means the
16 maps—

17 “(A) entitled—

18 “(i) ‘LTRA USFS–CA Land Ex-
19 change/North Shore’;

20 “(ii) ‘LTRA USFS–CA Land Ex-
21 change/West Shore’; and

22 “(iii) ‘LTRA USFS–CA Land Ex-
23 change/South Shore’; and

“(B) dated January 4, 2016, and on file and available for public inspection in the appropriate offices of—

“(i) the Forest Service;

“(ii) the California Tahoe Conservancy; and

“(iii) the California Department of Parks and Recreation.

“(11) NATIONAL WILDLAND FIRE CODE.—The term ‘national wildland fire code’ means—

“(A) the most recent publication of the National Fire Protection Association codes numbered 1141, 1142, 1143, and 1144;

“(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or

“(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

“(12) PLANNING AGENCY.—The term ‘Planning Agency’ means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

1 “(13) PRIORITY LIST.—The term ‘Priority List’
2 means the environmental restoration priority list de-
3 veloped under section 5(b).

4 “(14) SECRETARY.—The term ‘Secretary’
5 means the Secretary of Agriculture, acting through
6 the Chief of the Forest Service.

7 “(15) STREAM ENVIRONMENT ZONE.—The
8 term ‘Stream Environment Zone’ means an area
9 that generally owes the biological and physical char-
10 acteristics of the area to the presence of surface
11 water or groundwater.

12 “(16) TOTAL MAXIMUM DAILY LOAD.—The
13 term ‘total maximum daily load’ means the total
14 maximum daily load allocations adopted under sec-
15 tion 303(d) of the Federal Water Pollution Control
16 Act (33 U.S.C. 1313(d)).

17 “(17) WATERCRAFT.—The term ‘watercraft’
18 means motorized and non-motorized watercraft, in-
19 cluding boats, seaplanes, personal watercraft,
20 kayaks, and canoes.”.

21 **SEC. 7623. IMPROVED ADMINISTRATION OF THE LAKE**
22 **TAHOE BASIN MANAGEMENT UNIT.**

23 Section 4 of the Lake Tahoe Restoration Act (Public
24 Law 106–506; 114 Stat. 2353) is amended—

(1) in subsection (b)(3), by striking “basin”
and inserting “Basin”; and

(2) by adding at the end the following:

“(c) FOREST MANAGEMENT ACTIVITIES.—

“(1) COORDINATION.—

“(A) IN GENERAL.—In conducting forest
management activities in the Lake Tahoe Basin
Management Unit, the Secretary shall, as ap-
propriate, coordinate with the Administrator
and State and local agencies and organizations,
including local fire departments and volunteer
groups.

“(B) GOALS.—The coordination of activi-
ties under subparagraph (A) should aim to in-
crease efficiencies and maximize the compat-
ibility of management practices across public
property boundaries.

“(2) MULTIPLE BENEFITS.—

“(A) IN GENERAL.—In conducting forest
management activities in the Lake Tahoe Basin
Management Unit, the Secretary shall conduct
the activities in a manner that—

“(i) except as provided in subpara-
graph (B), attains multiple ecosystem ben-
efits, including—

- 1 “(I) reducing forest fuels;
2 “(II) maintaining biological di-
3 versity;
4 “(III) improving wetland and
5 water quality, including in Stream
6 Environment Zones; and
7 “(IV) increasing resilience to
8 changing water temperature and pre-
9 cipitation; and
10 “(ii) helps achieve and maintain the
11 environmental threshold carrying capacities
12 established by the Planning Agency.
13 “(B) EXCEPTION.—Notwithstanding sub-
14 paragraph (A)(i), the attainment of multiple
15 ecosystem benefits shall not be required if the
16 Secretary determines that management for mul-
17 tiple ecosystem benefits would excessively in-
18 crease the cost of a program in relation to the
19 additional ecosystem benefits gained from the
20 management activity.
21 “(3) GROUND DISTURBANCE.—Consistent with
22 applicable Federal law and Lake Tahoe Basin Man-
23 agement Unit land and resource management plan
24 direction, the Secretary shall—

1 “(A) establish post-program ground condi-
 2 tion criteria for ground disturbance caused by
 3 forest management activities; and

4 “(B) provide for monitoring to ascertain
 5 the attainment of the post-program conditions.

6 “(d) WITHDRAWAL OF FEDERAL LAND.—

7 “(1) IN GENERAL.—Subject to valid existing
 8 rights and paragraph (2), the Federal land located
 9 in the Lake Tahoe Basin Management Unit is with-
 10 drawn from—

11 “(A) all forms of entry, appropriation, or
 12 disposal under the public land laws;

13 “(B) location, entry, and patent under the
 14 mining laws; and

15 “(C) disposition under all laws relating to
 16 mineral and geothermal leasing.

17 “(2) EXCEPTIONS.—A conveyance of land shall
 18 be exempt from withdrawal under this subsection if
 19 carried out under—

20 “(A) this Act; or

21 “(B) Public Law 96–586 (94 Stat. 3381)
 22 (commonly known as the ‘Santini-Burton Act’).

23 “(e) ENVIRONMENTAL THRESHOLD CARRYING CA-
 24 PACITY.—The Lake Tahoe Basin Management Unit shall

1 support the attainment of the environmental threshold
 2 carrying capacities.

3 “(f) COOPERATIVE AUTHORITIES.—During the 4 fis-
 4 cal years following the date of enactment of the Water
 5 Resources Development Act of 2016, the Secretary, in
 6 conjunction with land adjustment programs, may enter
 7 into contracts and cooperative agreements with States,
 8 units of local government, and other public and private
 9 entities to provide for fuel reduction, erosion control, re-
 10 forestation, Stream Environment Zone restoration, and
 11 similar management activities on Federal land and non-
 12 Federal land within the programs.”.

13 **SEC. 7624. AUTHORIZED PROGRAMS.**

14 The Lake Tahoe Restoration Act (Public Law 106–
 15 506; 114 Stat. 2351) is amended by striking section 5
 16 and inserting the following:

17 **“SEC. 5. AUTHORIZED PROGRAMS.**

18 “(a) IN GENERAL.—The Secretary, the Assistant
 19 Secretary, the Directors, and the Administrator, in coordi-
 20 nation with the Planning Agency and the States of Cali-
 21 fornia and Nevada, may carry out or provide financial as-
 22 sistance to any program that—

23 “(1) is described in subsection (d);

24 “(2) is included in the Priority List under sub-
 25 section (b); and

1 “(3) furthers the purposes of the Environ-
2 mental Improvement Program if the program has
3 been subject to environmental review and approval,
4 respectively, as required under Federal law, Article
5 VII of the Compact, and State law, as applicable.

6 “(b) PRIORITY LIST.—

7 “(1) DEADLINE.—Not later than March 15 of
8 the year after the date of enactment of the Water
9 Resources Development Act of 2016, the Chair, in
10 consultation with the Secretary, the Administrator,
11 the Directors, the Planning Agency, the States of
12 California and Nevada, the Federal Partnership, the
13 Washoe Tribe, the Lake Tahoe Federal Advisory
14 Committee, and the Tahoe Science Consortium (or a
15 successor organization) shall submit to Congress a
16 prioritized Environmental Improvement Program list
17 for the Lake Tahoe Basin for the program cat-
18 egories described in subsection (d).

19 “(2) CRITERIA.—The ranking of the Priority
20 List shall be based on the best available science and
21 the following criteria:

22 “(A) The 4-year threshold carrying capac-
23 ity evaluation.

24 “(B) The ability to measure progress or
25 success of the program.

1 “(C) The potential to significantly con-
 2 tribute to the achievement and maintenance of
 3 the environmental threshold carrying capacities
 4 identified in Article II of the Compact.

5 “(D) The ability of a program to provide
 6 multiple benefits.

7 “(E) The ability of a program to leverage
 8 non-Federal contributions.

9 “(F) Stakeholder support for the program.

10 “(G) The justification of Federal interest.

11 “(H) Agency priority.

12 “(I) Agency capacity.

13 “(J) Cost-effectiveness.

14 “(K) Federal funding history.

15 “(3) REVISIONS.—The Priority List submitted
 16 under paragraph (1) shall be revised every 2 years.

17 “(4) FUNDING.—Of the amounts made avail-
 18 able under section 10(a), \$80,000,000 shall be made
 19 available to the Secretary to carry out projects listed
 20 on the Priority List.

21 “(c) RESTRICTION.—The Administrator shall use not
 22 more than 3 percent of the funds provided under sub-
 23 section (a) for administering the programs described in
 24 paragraphs (1) and (2) of subsection (d).

25 “(d) DESCRIPTION OF ACTIVITIES.—

1 “(1) FIRE RISK REDUCTION AND FOREST MAN-
2 AGEMENT.—

3 “(A) IN GENERAL.—Of the amounts made
4 available under section 10(a), \$150,000,000
5 shall be made available to the Secretary to
6 carry out, including by making grants, the fol-
7 lowing programs:

8 “(i) Programs identified as part of the
9 Lake Tahoe Basin Multi-Jurisdictional
10 Fuel Reduction and Wildfire Prevention
11 Strategy 10-Year Plan.

12 “(ii) Competitive grants for fuels work
13 to be awarded by the Secretary to commu-
14 nities that have adopted national wildland
15 fire codes to implement the applicable por-
16 tion of the 10-year plan described in clause
17 (i).

18 “(iii) Biomass programs, including
19 feasibility assessments.

20 “(iv) Angora Fire Restoration under
21 the jurisdiction of the Secretary.

22 “(v) Washoe Tribe programs on tribal
23 lands within the Lake Tahoe Basin.

24 “(vi) Development of an updated
25 Lake Tahoe Basin multijurisdictional fuel

1 reduction and wildfire prevention strategy,
2 consistent with section 4(c).

3 “(vii) Development of updated com-
4 munity wildfire protection plans by local
5 fire districts.

6 “(viii) Municipal water infrastructure
7 that significantly improves the firefighting
8 capability of local government within the
9 Lake Tahoe Basin.

10 “(ix) Stewardship end result con-
11 tracting projects carried out under section
12 604 of the Healthy Forests Restoration
13 Act of 2003 (16 U.S.C. 6591e).

14 “(B) MINIMUM ALLOCATION.—Of the
15 amounts made available to the Secretary to
16 carry out subparagraph (A), at least
17 \$100,000,000 shall be used by the Secretary for
18 programs under subparagraph (A)(i).

19 “(C) PRIORITY.—Units of local govern-
20 ment that have dedicated funding for inspec-
21 tions and enforcement of defensible space regu-
22 lations shall be given priority for amounts pro-
23 vided under this paragraph.

24 “(D) COST-SHARING REQUIREMENTS.—

1 “(i) IN GENERAL.—As a condition on
2 the receipt of funds, communities or local
3 fire districts that receive funds under this
4 paragraph shall provide a 25-percent
5 match.

6 “(ii) FORM OF NON-FEDERAL
7 SHARE.—

8 “(I) IN GENERAL.—The non-
9 Federal share required under clause
10 (i) may be in the form of cash con-
11 tributions or in-kind contributions, in-
12 cluding providing labor, equipment,
13 supplies, space, and other operational
14 needs.

15 “(II) CREDIT FOR CERTAIN
16 DEDICATED FUNDING.—There shall
17 be credited toward the non-Federal
18 share required under clause (i) any
19 dedicated funding of the communities
20 or local fire districts for a fuels reduc-
21 tion management program, defensible
22 space inspections, or dooryard chip-
23 ping.

1 “(III) DOCUMENTATION.—Com-
2 munities and local fire districts
3 shall—

4 “(aa) maintain a record of
5 in-kind contributions that de-
6 scribes—

7 “(AA) the monetary
8 value of the in-kind con-
9 tributions; and

10 “(BB) the manner in
11 which the in-kind contribu-
12 tions assist in accomplishing
13 program goals and objec-
14 tives; and

15 “(bb) document in all re-
16 quests for Federal funding, and
17 include in the total program
18 budget, evidence of the commit-
19 ment to provide the non-Federal
20 share through in-kind contribu-
21 tions.

22 “(2) INVASIVE SPECIES MANAGEMENT.—

23 “(A) IN GENERAL.—Of the amounts made
24 available under section 10(a), \$45,000,000 shall
25 be made available to the Director of the United

1 States Fish and Wildlife Service for the Aquatic
2 Invasive Species Program and the watercraft
3 inspections described in subparagraph (B).

4 “(B) DESCRIPTION OF ACTIVITIES.—The
5 Director of the United States Fish and Wildlife
6 Service, in coordination with the Assistant Sec-
7 retary, the Planning Agency, the California De-
8 partment of Fish and Wildlife, and the Nevada
9 Department of Wildlife, shall deploy strategies
10 consistent with the Lake Tahoe Aquatic
11 Invasive Species Management Plan to prevent
12 the introduction or spread of aquatic invasive
13 species in the Lake Tahoe region.

14 “(C) CRITERIA.—The strategies referred
15 to in subparagraph (B) shall provide that—

16 “(i) combined inspection and decon-
17 tamination stations be established and op-
18 erated at not less than 2 locations in the
19 Lake Tahoe region; and

20 “(ii) watercraft not be allowed to
21 launch in waters of the Lake Tahoe region
22 if the watercraft has not been inspected in
23 accordance with the Lake Tahoe Aquatic
24 Invasive Species Management Plan.

1 “(D) CERTIFICATION.—The Planning
2 Agency may certify State and local agencies to
3 perform the decontamination activities de-
4 scribed in subparagraph (C)(i) at locations out-
5 side the Lake Tahoe Basin if standards at the
6 sites meet or exceed standards for similar sites
7 in the Lake Tahoe Basin established under this
8 paragraph.

9 “(E) APPLICABILITY.—The strategies and
10 criteria developed under this paragraph shall
11 apply to all watercraft to be launched on water
12 within the Lake Tahoe region.

13 “(F) FEES.—The Director of the United
14 States Fish and Wildlife Service may collect
15 and spend fees for decontamination only at a
16 level sufficient to cover the costs of operation of
17 inspection and decontamination stations under
18 this paragraph.

19 “(G) CIVIL PENALTIES.—

20 “(i) IN GENERAL.—Any person that
21 launches, attempts to launch, or facilitates
22 launching of watercraft not in compliance
23 with strategies deployed under this para-
24 graph shall be liable for a civil penalty in

1 an amount not to exceed \$1,000 per viola-
2 tion.

3 “(ii) OTHER AUTHORITIES.—Any pen-
4 alties assessed under this subparagraph
5 shall be separate from penalties assessed
6 under any other authority.

7 “(H) LIMITATION.—The strategies and
8 criteria under subparagraphs (B) and (C), re-
9 spectively, may be modified if the Secretary of
10 the Interior, in a nondelegable capacity and in
11 consultation with the Planning Agency and
12 State governments, issues a determination that
13 alternative measures will be no less effective at
14 preventing introduction of aquatic invasive spe-
15 cies into Lake Tahoe than the strategies and
16 criteria developed under subparagraphs (B) and
17 (C), respectively.

18 “(I) SUPPLEMENTAL AUTHORITY.—The
19 authority under this paragraph is supplemental
20 to all actions taken by non-Federal regulatory
21 authorities.

22 “(J) SAVINGS CLAUSE.—Nothing in this
23 title restricts, affects, or amends any other law
24 or the authority of any department, instrumen-
25 tality, or agency of the United States, or any

1 State or political subdivision thereof, respecting
2 the control of invasive species.

3 “(3) STORMWATER MANAGEMENT, EROSION
4 CONTROL, AND TOTAL WATERSHED RESTORATION.—
5 Of the amounts made available under section 10(a),
6 \$113,000,000 shall be made available—

7 “(A) to the Secretary, the Secretary of the
8 Interior, the Assistant Secretary, or the Admin-
9 istrator for the Federal share of stormwater
10 management and related programs consistent
11 with the adopted Total Maximum Daily Load
12 and near-shore water quality goals;

13 “(B) for grants by the Secretary and the
14 Administrator to carry out the programs de-
15 scribed in subparagraph (A);

16 “(C) to the Secretary or the Assistant Sec-
17 retary for the Federal share of the Upper
18 Truckee River restoration programs and other
19 watershed restoration programs identified in
20 the Priority List established under section 5(b);
21 and

22 “(D) for grants by the Administrator to
23 carry out the programs described in subpara-
24 graph (C).

1 “(4) SPECIAL STATUS SPECIES MANAGE-
 2 MENT.—Of the amounts made available under sec-
 3 tion 10(a), \$20,000,000 shall be made available to
 4 the Director of the United States Fish and Wildlife
 5 Service for the Lahontan Cutthroat Trout Recovery
 6 Program.”.

7 **SEC. 7625. PROGRAM PERFORMANCE AND ACCOUNT-**
 8 **ABILITY.**

9 The Lake Tahoe Restoration Act (Public Law 106–
 10 506; 114 Stat. 2351) is amended by striking section 6
 11 and inserting the following:

12 **“SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.**

13 “(a) PROGRAM PERFORMANCE AND ACCOUNT-
 14 ABILITY.—

15 “(1) IN GENERAL.—Of the amounts made
 16 available under section 10(a), not less than
 17 \$5,000,000 shall be made available to the Secretary
 18 to carry out this section.

19 “(2) PLANNING AGENCY.—Of the amounts de-
 20 scribed in paragraph (1), not less than 50 percent
 21 shall be made available to the Planning Agency to
 22 carry out the program oversight and coordination
 23 activities established under subsection (d).

24 “(b) CONSULTATION.—In carrying out this Act, the
 25 Secretary, the Administrator, and the Directors shall, as

1 appropriate and in a timely manner, consult with the
2 heads of the Washoe Tribe, applicable Federal, State, re-
3 gional, and local governmental agencies, and the Lake
4 Tahoe Federal Advisory Committee.

5 “(c) CORPS OF ENGINEERS; INTERAGENCY AGREE-
6 MENTS.—

7 “(1) IN GENERAL.—The Assistant Secretary
8 may enter into interagency agreements with non-
9 Federal interests in the Lake Tahoe Basin to use
10 Lake Tahoe Partnership-Miscellaneous General In-
11 vestigations funds to provide programmatic technical
12 assistance for the Environmental Improvement Pro-
13 gram.

14 “(2) LOCAL COOPERATION AGREEMENTS.—

15 “(A) IN GENERAL.—Before providing tech-
16 nical assistance under this section, the Assist-
17 ant Secretary shall enter into a local coopera-
18 tion agreement with a non-Federal interest to
19 provide for the technical assistance.

20 “(B) COMPONENTS.—The agreement en-
21 tered into under subparagraph (A) shall—

22 “(i) describe the nature of the tech-
23 nical assistance;

24 “(ii) describe any legal and institu-
25 tional structures necessary to ensure the

1 effective long-term viability of the end
2 products by the non-Federal interest; and

3 “(iii) include cost-sharing provisions
4 in accordance with subparagraph (C).

5 “(C) FEDERAL SHARE.—

6 “(i) IN GENERAL.—The Federal share
7 of program costs under each local coopera-
8 tion agreement under this paragraph shall
9 be 65 percent.

10 “(ii) FORM.—The Federal share may
11 be in the form of reimbursements of pro-
12 gram costs.

13 “(iii) CREDIT.—The non-Federal in-
14 terest may receive credit toward the non-
15 Federal share for the reasonable costs of
16 related technical activities completed by
17 the non-Federal interest before entering
18 into a local cooperation agreement with the
19 Assistant Secretary under this paragraph.

20 “(d) EFFECTIVENESS EVALUATION AND MONI-
21 TORING.—In carrying out this Act, the Secretary, the Ad-
22 ministrator, and the Directors, in coordination with the
23 Planning Agency and the States of California and Nevada,
24 shall—

1 “(1) develop and implement a plan for inte-
2 grated monitoring, assessment, and applied research
3 to evaluate the effectiveness of the Environmental
4 Improvement Program;

5 “(2) include funds in each program funded
6 under this section for monitoring and assessment of
7 results at the program level; and

8 “(3) use the integrated multiagency perform-
9 ance measures established under this section.

10 “(e) REPORTING REQUIREMENTS.—Not later than
11 March 15 of each year, the Secretary, in cooperation with
12 the Chair, the Administrator, the Directors, the Planning
13 Agency, and the States of California and Nevada, con-
14 sistent with subsection (a), shall submit to Congress a re-
15 port that describes—

16 “(1) the status of all Federal, State, local, and
17 private programs authorized under this Act, includ-
18 ing to the maximum extent practicable, for programs
19 that will receive Federal funds under this Act during
20 the current or subsequent fiscal year—

21 “(A) the program scope;

22 “(B) the budget for the program; and

23 “(C) the justification for the program, con-
24 sistent with the criteria established in section
25 5(b)(2);

1 “(2) Federal, State, local, and private expendi-
2 tures in the preceding fiscal year to implement the
3 Environmental Improvement Program;

4 “(3) accomplishments in the preceding fiscal
5 year in implementing this Act in accordance with the
6 performance measures and other monitoring and as-
7 sessment activities; and

8 “(4) public education and outreach efforts un-
9 dertaken to implement programs authorized under
10 this Act.

11 “(f) ANNUAL BUDGET PLAN.—As part of the annual
12 budget of the President, the President shall submit infor-
13 mation regarding each Federal agency involved in the En-
14 vironmental Improvement Program (including the Forest
15 Service, the Environmental Protection Agency, the United
16 States Fish and Wildlife Service, the United States Geo-
17 logical Survey, and the Corps of Engineers), including—

18 “(1) an interagency crosscut budget that dis-
19 plays the proposed budget for use by each Federal
20 agency in carrying out restoration activities relating
21 to the Environmental Improvement Program for the
22 following fiscal year;

23 “(2) a detailed accounting of all amounts re-
24 ceived and obligated by Federal agencies to achieve

1 the goals of the Environmental Improvement Pro-
 2 gram during the preceding fiscal year; and

3 “(3) a description of the Federal role in the
 4 Environmental Improvement Program, including the
 5 specific role of each agency involved in the restora-
 6 tion of the Lake Tahoe Basin.”.

7 **SEC. 7626. CONFORMING AMENDMENTS; UPDATES TO RE-**
 8 **LATED LAWS.**

9 (a) LAKE TAHOE RESTORATION ACT.—The Lake
 10 Tahoe Restoration Act (Public Law 106–506; 114 Stat.
 11 2351) is amended—

12 (1) by striking sections 8 and 9;

13 (2) by redesignating sections 10, 11, and 12 as
 14 sections 8, 9, and 10, respectively; and

15 (3) in section 9 (as redesignated by paragraph
 16 (2)) by inserting “, Director, or Administrator”
 17 after “Secretary”.

18 (b) TAHOE REGIONAL PLANNING COMPACT.—Sub-
 19 section (c) of Article V of the Tahoe Regional Planning
 20 Compact (Public Law 96–551; 94 Stat. 3240) is amended
 21 in the third sentence by inserting “and, in so doing, shall
 22 ensure that the regional plan reflects changing economic
 23 conditions and the economic effect of regulation on com-
 24 merce” after “maintain the regional plan”.

1 (c) TREATMENT UNDER TITLE 49, UNITED STATES
2 CODE.—Section 5303(r)(2)(C) of title 49, United States
3 Code, is amended—

4 (1) by inserting “and 25 square miles of land
5 area” after “145,000”; and

6 (2) by inserting “and 12 square miles of land
7 area” after “65,000”.

8 **SEC. 7627. AUTHORIZATION OF APPROPRIATIONS.**

9 The Lake Tahoe Restoration Act (Public Law 106–
10 506; 114 Stat. 2351) is amended by striking section 10
11 (as redesignated by section 7626(a)(2)) and inserting the
12 following:

13 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

14 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated to carry out this Act
16 \$415,000,000 for a period of 10 fiscal years beginning the
17 first fiscal year after the date of enactment of the Water
18 Resources Development Act of 2016.

19 “(b) EFFECT ON OTHER FUNDS.—Amounts author-
20 ized under this section and any amendments made by this
21 Act—

22 “(1) shall be in addition to any other amounts
23 made available to the Secretary, the Administrator,
24 or the Directors for expenditure in the Lake Tahoe
25 Basin; and

1 “(2) shall not reduce allocations for other Re-
 2 gions of the Forest Service, the Environmental Pro-
 3 tection Agency, or the United States Fish and Wild-
 4 life Service.

5 “(c) COST-SHARING REQUIREMENT.—Except as pro-
 6 vided in subsection (d) and section 5(d)(1)(D), funds for
 7 activities carried out under section 5 shall be available for
 8 obligation on a 1-to-1 basis with funding of restoration
 9 activities in the Lake Tahoe Basin by the States of Cali-
 10 fornia and Nevada.

11 “(d) RELOCATION COSTS.—Notwithstanding sub-
 12 section (c), the Secretary shall provide to local utility dis-
 13 tricts $\frac{2}{3}$ of the costs of relocating facilities in connection
 14 with—

15 “(1) environmental restoration programs under
 16 sections 5 and 6; and

17 “(2) erosion control programs under section 2
 18 of Public Law 96–586 (94 Stat. 3381).

19 “(e) SIGNAGE.—To the maximum extent practicable,
 20 a program provided assistance under this Act shall include
 21 appropriate signage at the program site that—

22 “(1) provides information to the public on—

23 “(A) the amount of Federal funds being
 24 provided to the program; and

25 “(B) this Act; and

1 “(2) displays the visual identity mark of the
2 Environmental Improvement Program.”.

3 **SEC. 7628. LAND TRANSFERS TO IMPROVE MANAGEMENT**
4 **EFFICIENCIES OF FEDERAL AND STATE**
5 **LAND.**

6 Section 3(b) of Public Law 96–586 (94 Stat. 3384)
7 (commonly known as the “Santini-Burton Act”) is amend-
8 ed—

9 (1) by striking “(b) Lands” and inserting the
10 following:

11 “(b) ADMINISTRATION OF ACQUIRED LAND.—

12 “(1) IN GENERAL.—Land”; and

13 (2) by adding at the end the following:

14 “(2) CALIFORNIA CONVEYANCES.—

15 “(A) IN GENERAL.—If the State of Cali-
16 fornia (acting through the California Tahoe
17 Conservancy and the California Department of
18 Parks and Recreation) offers to donate to the
19 United States the non-Federal land described in
20 subparagraph (B)(i), the Secretary—

21 “(i) may accept the offer; and

22 “(ii) convey to the State of California,
23 subject to valid existing rights and for no
24 consideration, all right, title, and interest

1 of the United States in and to the Federal
2 land.

3 “(B) DESCRIPTION OF LAND.—

4 “(i) NON-FEDERAL LAND.—The non-
5 Federal land referred to in subparagraph
6 (A) includes—

7 “(I) the approximately 1,936
8 acres of land administered by the
9 California Tahoe Conservancy and
10 identified on the Maps as ‘Tahoe Con-
11 servancy to the USFS’; and

12 “(II) the approximately 183
13 acres of land administered by Cali-
14 fornia State Parks and identified on
15 the Maps as ‘Total USFS to Cali-
16 fornia’.

17 “(ii) FEDERAL LAND.—The Federal
18 land referred to in subparagraph (A) in-
19 cludes the approximately 1,995 acres of
20 Forest Service land identified on the Maps
21 as ‘U.S. Forest Service to Conservancy
22 and State Parks’.

23 “(C) CONDITIONS.—Any land conveyed
24 under this paragraph shall—

“(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

“(ii) not result in any significant changes in the uses of the land; and

“(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

“(I) to ensure compliance with this Act; and

“(II) to ensure that the transfer of development rights associated with the conveyed parcels shall not be recognized or available for transfer under chapter 51 of the Code of Ordinances for the Tahoe Regional Planning Agency.

“(D) CONTINUATION OF SPECIAL USE PERMITS.—The land conveyance under this paragraph shall be subject to the condition that the State of California accept all special use permits applicable, as of the date of enactment of the Water Resources Development Act of

1 2016, to the land described in subparagraph
2 (B)(ii) for the duration of the special use per-
3 mits, and subject to the terms and conditions of
4 the special use permits.

5 “(3) NEVADA CONVEYANCES.—

6 “(A) IN GENERAL.—In accordance with
7 this section and on request by the Governor of
8 Nevada, the Secretary may transfer the land or
9 interests in land described in subparagraph (B)
10 to the State of Nevada without consideration,
11 subject to appropriate deed restrictions to pro-
12 tect the environmental quality and public rec-
13 reational use of the land transferred.

14 “(B) DESCRIPTION OF LAND.—The land
15 referred to in subparagraph (A) includes—

16 “(i) the approximately 38.68 acres of
17 Forest Service land identified on the map
18 entitled ‘State of Nevada Conveyances’ as
19 ‘Van Sickle Unit USFS Inholding’; and

20 “(ii) the approximately 92.28 acres of
21 Forest Service land identified on the map
22 entitled ‘State of Nevada Conveyances’ as
23 ‘Lake Tahoe Nevada State Park USFS
24 Inholding’.

1 “(C) CONDITIONS.—Any land conveyed
2 under this paragraph shall—

3 “(i) be for the purpose of consoli-
4 dating Federal and State ownerships and
5 improving management efficiencies;

6 “(ii) not result in any significant
7 changes in the uses of the land; and

8 “(iii) be subject to the condition that
9 the applicable deed include such terms, re-
10 strictions, covenants, conditions, and res-
11 ervations as the Secretary determines nec-
12 essary—

13 “(I) to ensure compliance with
14 this Act; and

15 “(II) to ensure that the develop-
16 ment rights associated with the con-
17 veyed parcels shall not be recognized
18 or available for transfer under section
19 90.2 of the Code of Ordinances for
20 the Tahoe Regional Planning Agency.

21 “(D) CONTINUATION OF SPECIAL USE
22 PERMITS.—The land conveyance under this
23 paragraph shall be subject to the condition that
24 the State of Nevada accept all special use per-
25 mits applicable, as of the date of enactment of

1 the Water Resources Development Act of 2016,
2 to the land described in subparagraph (B)(ii)
3 for the duration of the special use permits, and
4 subject to the terms and conditions of the spe-
5 cial use permits.

6 “(4) AUTHORIZATION FOR CONVEYANCE OF
7 FOREST SERVICE URBAN LOTS.—

8 “(A) CONVEYANCE AUTHORITY.—Except
9 in the case of land described in paragraphs (2)
10 and (3), the Secretary of Agriculture may con-
11 vey any urban lot within the Lake Tahoe Basin
12 under the administrative jurisdiction of the
13 Forest Service.

14 “(B) CONSIDERATION.—A conveyance
15 under subparagraph (A) shall require consider-
16 ation in an amount equal to the fair market
17 value of the conveyed lot.

18 “(C) AVAILABILITY AND USE.—The pro-
19 ceeds from a conveyance under subparagraph
20 (A) shall be retained by the Secretary of Agri-
21 culture and used for—

22 “(i) purchasing inholdings throughout
23 the Lake Tahoe Basin; or

24 “(ii) providing additional funds to
25 carry out the Lake Tahoe Restoration Act

1 (Public Law 106–506; 114 Stat. 2351) in
2 excess of amounts made available under
3 section 10 of that Act.

4 “(D) OBLIGATION LIMIT.—The obligation
5 and expenditure of proceeds retained under this
6 paragraph shall be subject to such fiscal year
7 limitation as may be specified in an Act making
8 appropriations for the Forest Service for a fis-
9 cal year.

10 “(5) REVERSION.—If a parcel of land trans-
11 ferred under paragraph (2) or (3) is used in a man-
12 ner that is inconsistent with the use described for
13 the parcel of land in paragraph (2) or (3), respec-
14 tively, the parcel of land, shall, at the discretion of
15 the Secretary, revert to the United States.

16 “(6) FUNDING.—

17 “(A) IN GENERAL.—Of the amounts made
18 available under section 10(a) of the Lake Tahoe
19 Restoration Act (Public Law 106–506; 114
20 Stat. 2351), \$2,000,000 shall be made available
21 to the Secretary to carry out the activities
22 under paragraphs (2), (3), and (4).

23 “(B) OTHER FUNDS.—Of the amounts
24 available to the Secretary under paragraph (1),
25 not less than 50 percent shall be provided to

1 the California Tahoe Conservancy to facilitate
 2 the conveyance of land described in paragraphs
 3 (2) and (3).”.

4 **PART III—LONG ISLAND SOUND RESTORATION**

5 **SEC. 7631. RESTORATION AND STEWARDSHIP PROGRAMS.**

6 (a) LONG ISLAND SOUND RESTORATION PRO-
 7 GRAM.—Section 119 of the Federal Water Pollution Con-
 8 trol Act (33 U.S.C. 1269) is amended—

9 (1) in subsection (b), by striking the subsection
 10 designation and heading and all that follows through
 11 “The Office shall” and inserting the following:

12 “(b) OFFICE.—

13 “(1) ESTABLISHMENT.—The Administrator
 14 shall—

15 “(A) continue to carry out the conference
 16 study; and

17 “(B) establish an office, to be located on
 18 or near Long Island Sound.

19 “(2) ADMINISTRATION AND STAFFING.—The
 20 Office shall”;

21 (2) in subsection (c)—

22 (A) in the matter preceding paragraph (1),
 23 by striking “Management Conference of the
 24 Long Island Sound Study” and inserting “con-
 25 ference study”;

1 (B) in paragraph (2)—

2 (i) in each of subparagraphs (A)
3 through (G), by striking the commas at
4 the end of the subparagraphs and inserting
5 semicolons;

6 (ii) in subparagraph (H), by striking
7 “, and” and inserting a semicolon;

8 (iii) in subparagraph (I), by striking
9 the period at the end and inserting a semi-
10 colon; and

11 (iv) by adding at the end the fol-
12 lowing:

13 “(J) environmental impacts on the Long
14 Island Sound watershed, including—

15 “(i) the identification and assessment
16 of vulnerabilities in the watershed;

17 “(ii) the development and implementa-
18 tion of adaptation strategies to reduce
19 those vulnerabilities; and

20 “(iii) the identification and assess-
21 ment of the impacts of sea level rise on
22 water quality, habitat, and infrastructure;
23 and

24 “(K) planning initiatives for Long Island
25 Sound that identify the areas that are most

1 suitable for various types or classes of activities
2 in order to reduce conflicts among uses, reduce
3 adverse environmental impacts, facilitate com-
4 patible uses, or preserve critical ecosystem serv-
5 ices to meet economic, environmental, security,
6 or social objectives;”;

7 (C) by striking paragraph (4) and insert-
8 ing the following:

9 “(4) develop and implement strategies to in-
10 crease public education and awareness with respect
11 to the ecological health and water quality conditions
12 of Long Island Sound;”;

13 (D) in paragraph (5), by inserting “study”
14 after “conference”;

15 (E) in paragraph (6)—

16 (i) by inserting “(including on the
17 Internet)” after “the public”; and

18 (ii) by inserting “study” after “con-
19 ference”; and

20 (F) by striking paragraph (7) and insert-
21 ing the following:

22 “(7) monitor the progress made toward meeting
23 the identified goals, actions, and schedules of the
24 Comprehensive Conservation and Management Plan,
25 including through the implementation and support

1 of a monitoring system for the ecological health and
2 water quality conditions of Long Island Sound;
3 and”;

4 (3) in subsection (d)(3), in the second sentence,
5 by striking “50 per centum” and inserting “60 per-
6 cent”;

7 (4) by redesignating subsection (f) as sub-
8 section (i); and

9 (5) by inserting after subsection (e) the fol-
10 lowing:

11 “(f) REPORT.—

12 “(1) IN GENERAL.—Not later than 2 years
13 after the date of enactment of the Water Resources
14 Development Act of 2016, and biennially thereafter,
15 the Director of the Office, in consultation with the
16 Governor of each Long Island Sound State, shall
17 submit to Congress a report that—

18 “(A) summarizes and assesses the progress
19 made by the Office and the Long Island Sound
20 States in implementing the Long Island Sound
21 Comprehensive Conservation and Management
22 Plan, including an assessment of the progress
23 made toward meeting the performance goals
24 and milestones contained in the Plan;

1 “(B) assesses the key ecological attributes
2 that reflect the health of the ecosystem of the
3 Long Island Sound watershed;

4 “(C) describes any substantive modifica-
5 tions to the Long Island Sound Comprehensive
6 Conservation and Management Plan made dur-
7 ing the 2-year period preceding the date of sub-
8 mission of the report;

9 “(D) provides specific recommendations to
10 improve progress in restoring and protecting
11 the Long Island Sound watershed, including, as
12 appropriate, proposed modifications to the Long
13 Island Sound Comprehensive Conservation and
14 Management Plan;

15 “(E) identifies priority actions for imple-
16 mentation of the Long Island Sound Com-
17 prehensive Conservation and Management Plan
18 for the 2-year period following the date of sub-
19 mission of the report; and

20 “(F) describes the means by which Federal
21 funding and actions will be coordinated with the
22 actions of the Long Island Sound States and
23 other entities.

1 “(2) PUBLIC AVAILABILITY.—The Adminis-
2 trator shall make the report described in paragraph
3 (1) available to the public, including on the Internet.

4 “(g) ANNUAL BUDGET PLAN.—The President shall
5 submit, together with the annual budget of the United
6 States Government submitted under section 1105(a) of
7 title 31, United States Code, information regarding each
8 Federal department and agency involved in the protection
9 and restoration of the Long Island Sound watershed, in-
10 cluding—

11 “(1) an interagency crosscut budget that dis-
12 plays for each department and agency—

13 “(A) the amount obligated during the pre-
14 ceding fiscal year for protection and restoration
15 projects and studies relating to the watershed;

16 “(B) the estimated budget for the current
17 fiscal year for protection and restoration
18 projects and studies relating to the watershed;
19 and

20 “(C) the proposed budget for succeeding
21 fiscal years for protection and restoration
22 projects and studies relating to the watershed;
23 and

24 “(2) a summary of any proposed modifications
25 to the Long Island Sound Comprehensive Conserva-

1 tion and Management Plan for the following fiscal
2 year.

3 “(h) FEDERAL ENTITIES.—

4 “(1) COORDINATION.—The Administrator shall
5 coordinate the actions of all Federal departments
6 and agencies that impact water quality in the Long
7 Island Sound watershed in order to improve the
8 water quality and living resources of the watershed.

9 “(2) METHODS.—In carrying out this section,
10 the Administrator, acting through the Director of
11 the Office, may—

12 “(A) enter into interagency agreements;
13 and

14 “(B) make intergovernmental personnel
15 appointments.

16 “(3) FEDERAL PARTICIPATION IN WATERSHED
17 PLANNING.—A Federal department or agency that
18 owns or occupies real property, or carries out activi-
19 ties, within the Long Island Sound watershed shall
20 participate in regional and subwatershed planning,
21 protection, and restoration activities with respect to
22 the watershed.

23 “(4) CONSISTENCY WITH COMPREHENSIVE CON-
24 SERVATION AND MANAGEMENT PLAN.—To the max-
25 imum extent practicable, the head of each Federal

1 department and agency that owns or occupies real
 2 property, or carries out activities, within the Long
 3 Island Sound watershed shall ensure that the prop-
 4 erty and all activities carried out by the department
 5 or agency are consistent with the Long Island Sound
 6 Comprehensive Conservation and Management Plan
 7 (including any related subsequent agreements and
 8 plans).”.

9 (b) LONG ISLAND SOUND STEWARDSHIP PRO-
 10 GRAM.—

11 (1) LONG ISLAND SOUND STEWARDSHIP ADVI-
 12 SORY COMMITTEE.—Section 8 of the Long Island
 13 Sound Stewardship Act of 2006 (33 U.S.C. 1269
 14 note; Public Law 109–359) is amended—

15 (A) in subsection (g), by striking “2011”
 16 and inserting “2021”; and

17 (B) by adding at the end the following:

18 “(h) NONAPPLICABILITY OF FACa.—The Federal
 19 Advisory Committee Act (5 U.S.C. App.) shall not apply
 20 to—

21 “(1) the Advisory Committee; or

22 “(2) any board, committee, or other group es-
 23 tablished under this Act.”.

24 (2) REPORTS.—Section 9(b)(1) of the Long Is-
 25 land Sound Stewardship Act of 2006 (33 U.S.C.

1 1269 note; Public Law 109–359) is amended in the
 2 matter preceding subparagraph (A) by striking
 3 “2011” and inserting “2021”.

4 (3) AUTHORIZATION.—Section 11 of the Long
 5 Island Sound Stewardship Act of 2006 (33 U.S.C.
 6 1269 note; Public Law 109–359) is amended—

7 (A) by striking subsection (a);

8 (B) by redesignating subsections (b)
 9 through (d) as subsections (a) through (c), re-
 10 spectively; and

11 (C) in subsection (a) (as so redesignated),
 12 by striking “under this section each” and in-
 13 serting “to carry out this Act for a”.

14 (4) EFFECTIVE DATE.—The amendments made
 15 by this subsection take effect on October 1, 2011.

16 **SEC. 7632. REAUTHORIZATION.**

17 (a) IN GENERAL.—There are authorized to be appro-
 18 priated to the Administrator such sums as are necessary
 19 for each of fiscal years 2017 through 2021 for the imple-
 20 mentation of—

21 (1) section 119 of the Federal Water Pollution
 22 Control Act (33 U.S.C. 1269), other than subsection
 23 (d) of that section; and

24 (2) the Long Island Sound Stewardship Act of
 25 2006 (33 U.S.C. 1269 note; Public Law 109–359).

1 (b) LONG ISLAND SOUND GRANTS.—There is author-
 2 ized to be appropriated to the Administrator to carry out
 3 section 119(d) of the Federal Water Pollution Control Act
 4 (33 U.S.C. 1269(d)) \$40,000,000 for each of fiscal years
 5 2017 through 2021.

6 (c) LONG ISLAND SOUND STEWARDSHIP GRANTS.—
 7 There is authorized to be appropriated to the Adminis-
 8 trator to carry out the Long Island Sound Stewardship
 9 Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359)
 10 \$25,000,000 for each of fiscal years 2017 through 2021.

11 **PART IV—DELAWARE RIVER BASIN**

12 **CONSERVATION**

13 **SEC. 7641. FINDINGS.**

14 Congress finds that—

15 (1) the Delaware River Basin is a national
 16 treasure of great cultural, environmental, ecological,
 17 and economic importance;

18 (2) the Basin contains over 12,500 square miles
 19 of land in the States of Delaware, New Jersey, New
 20 York, and Pennsylvania, including nearly 800 square
 21 miles of bay and more than 2,000 tributary rivers
 22 and streams;

23 (3) the Basin is home to more than 8,000,000
 24 people who depend on the Delaware River and the

1 Delaware Bay as an economic engine, a place of
2 recreation, and a vital habitat for fish and wildlife;

3 (4) the Basin provides clean drinking water to
4 more than 15,000,000 people, including New York
5 City, which relies on the Basin for approximately
6 half of the drinking water supply of the city, and
7 Philadelphia, whose most significant threat to the
8 drinking water supply of the city is loss of forests
9 and other natural cover in the Upper Basin, accord-
10 ing to a study conducted by the Philadelphia Water
11 Department;

12 (5) the Basin contributes \$25,000,000,000 an-
13 nually in economic activity, provides
14 \$21,000,000,000 in ecosystem goods and services
15 per year, and is directly or indirectly responsible for
16 600,000 jobs with \$10,000,000,000 in annual
17 wages;

18 (6) almost 180 species of fish and wildlife are
19 considered special status species in the Basin due to
20 habitat loss and degradation, particularly sturgeon,
21 eastern oyster, horseshoe crabs, and red knots,
22 which have been identified as unique species in need
23 of habitat improvement;

24 (7) the Basin provides habitat for over 200
25 resident and migrant fish species, includes signifi-

1 cant recreational fisheries, and is an important
2 source of eastern oyster, blue crab, and the largest
3 population of the American horseshoe crab;

4 (8) the annual dockside value of commercial
5 eastern oyster fishery landings for the Delaware Es-
6 tuary is nearly \$4,000,000, making it the fourth
7 most lucrative fishery in the Delaware River Basin
8 watershed, and proven management strategies are
9 available to increase oyster habitat, abundance, and
10 harvest;

11 (9) the Delaware Bay has the second largest
12 concentration of shorebirds in North America and is
13 designated as one of the 4 most important shorebird
14 migration sites in the world;

15 (10) the Basin, 50 percent of which is forested,
16 also has over 700,000 acres of wetland, more than
17 126,000 acres of which are recognized as inter-
18 nationally important, resulting in a landscape that
19 provides essential ecosystem services, including
20 recreation, commercial, and water quality benefits;

21 (11) much of the remaining exemplary natural
22 landscape in the Basin is vulnerable to further deg-
23 radation, as the Basin gains approximately 10
24 square miles of developed land annually, and with
25 new development, urban watersheds are increasingly

1 covered by impervious surfaces, amplifying the quan-
2 tity of polluted runoff into rivers and streams;

3 (12) the Delaware River is the longest
4 undammed river east of the Mississippi; a critical
5 component of the National Wild and Scenic Rivers
6 System in the Northeast, with more than 400 miles
7 designated; home to one of the most heavily visited
8 National Park units in the United States, the Dela-
9 ware Water Gap National Recreation Area; and the
10 location of 6 National Wildlife Refuges;

11 (13) the Delaware River supports an inter-
12 nationally renowned cold water fishery in more than
13 80 miles of its northern headwaters that attracts
14 tens of thousands of visitors each year and generates
15 over \$21,000,000 in annual revenue through tourism
16 and recreational activities;

17 (14) management of water volume in the Basin
18 is critical to flood mitigation and habitat for fish
19 and wildlife, and following 3 major floods along the
20 Delaware River since 2004, the Governors of the
21 States of Delaware, New Jersey, New York, and
22 Pennsylvania have called for natural flood damage
23 reduction measures to combat the problem, including
24 restoring the function of riparian corridors;

1 (15) the Delaware River Port Complex (includ-
2 ing docking facilities in the States of Delaware, New
3 Jersey, and Pennsylvania) is one of the largest
4 freshwater ports in the world, the Port of Philadel-
5 phia handles the largest volume of international ton-
6 nage and 70 percent of the oil shipped to the East
7 Coast, and the Port of Wilmington, a full-service
8 deepwater port and marine terminal supporting
9 more than 12,000 jobs, is the busiest terminal on
10 the Delaware River, handling more than 400 vessels
11 per year with an annual import/export cargo tonnage
12 of more than 4,000,000 tons;

13 (16) the Delaware Estuary, where freshwater
14 from the Delaware River mixes with saltwater from
15 the Atlantic Ocean, is one of the largest and most
16 complex of the 28 estuaries in the National Estuary
17 Program, and the Partnership for the Delaware Es-
18 tuary works to improve the environmental health of
19 the Delaware Estuary;

20 (17) the Delaware River Basin Commission is a
21 Federal-interstate compact government agency
22 charged with overseeing a unified approach to man-
23 aging the river system and implementing important
24 water resources management projects and activities

1 throughout the Basin that are in the national inter-
2 est;

3 (18) restoration activities in the Basin are sup-
4 ported through several Federal and State agency
5 programs, and funding for those important pro-
6 grams should continue and complement the estab-
7 lishment of the Delaware River Basin Restoration
8 Program, which is intended to build on and help co-
9 ordinate restoration and protection funding mecha-
10 nisms at the Federal, State, regional, and local lev-
11 els; and

12 (19) the existing and ongoing voluntary con-
13 servation efforts in the Delaware River Basin neces-
14 sitate improved efficiency and cost effectiveness, as
15 well as increased private-sector investments and co-
16 ordination of Federal and non-Federal resources.

17 **SEC. 7642. DEFINITIONS.**

18 In this part:

19 (1) BASIN.—The term “Basin” means the 4-
20 State Delaware Basin region, including all of Dela-
21 ware Bay and portions of the States of Delaware,
22 New Jersey, New York, and Pennsylvania located in
23 the Delaware River watershed.

1 (2) BASIN STATE.—The term “Basin State”
2 means each of the States of Delaware, New Jersey,
3 New York, and Pennsylvania.

4 (3) DIRECTOR.—The term “Director” means
5 the Director of the United States Fish and Wildlife
6 Service.

7 (4) FOUNDATION.—The term “Foundation”
8 means the National Fish and Wildlife Foundation, a
9 congressionally chartered foundation established by
10 section 2 of the National Fish and Wildlife Founda-
11 tion Establishment Act (16 U.S.C. 3701).

12 (5) GRANT PROGRAM.—The term “grant pro-
13 gram” means the voluntary Delaware River Basin
14 Restoration Grant Program established under sec-
15 tion 7644.

16 (6) PROGRAM.—The term “program” means
17 the nonregulatory Delaware River Basin restoration
18 program established under section 7643.

19 (7) RESTORATION AND PROTECTION.—The
20 term “restoration and protection” means the con-
21 servation, stewardship, and enhancement of habitat
22 for fish and wildlife to preserve and improve eco-
23 systems and ecological processes on which they de-
24 pend, and for use and enjoyment by the public.

1 (8) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior, acting through the Di-
3 rector.

4 (9) SERVICE.—The term “Service” means the
5 United States Fish and Wildlife Service.

6 **SEC. 7643. PROGRAM ESTABLISHMENT.**

7 (a) ESTABLISHMENT.—Not later than 180 days after
8 the date of enactment of this Act, the Secretary shall es-
9 tablish a nonregulatory program to be known as the
10 “Delaware River Basin restoration program”.

11 (b) DUTIES.—In carrying out the program, the Sec-
12 retary shall—

13 (1) draw on existing and new management
14 plans for the Basin, or portions of the Basin, and
15 work in consultation with applicable management
16 entities, including representatives of the Partnership
17 for the Delaware Estuary, the Delaware River Basin
18 Commission, the Federal Government, and other
19 State and local governments, and regional and non-
20 profit organizations, as appropriate, to identify,
21 prioritize, and implement restoration and protection
22 activities within the Basin;

23 (2) adopt a Basinwide strategy that—

24 (A) supports the implementation of a
25 shared set of science-based restoration and pro-

1 tection activities developed in accordance with
2 paragraph (1);

3 (B) targets cost-effective projects with
4 measurable results; and

5 (C) maximizes conservation outcomes with
6 no net gain of Federal full-time equivalent em-
7 ployees; and

8 (3) establish the voluntary grant and technical
9 assistance programs in accordance with section
10 7644.

11 (c) COORDINATION.—In establishing the program,
12 the Secretary shall consult, as appropriate, with—

13 (1) the heads of Federal agencies, including—

14 (A) the Administrator;

15 (B) the Administrator of the National Oce-
16 anic and Atmospheric Administration;

17 (C) the Chief of the Natural Resources
18 Conservation Service;

19 (D) the Chief of Engineers; and

20 (E) the head of any other applicable agen-
21 cy;

22 (2) the Governors of the Basin States;

23 (3) the Partnership for the Delaware Estuary;

24 (4) the Delaware River Basin Commission;

1 (5) fish and wildlife joint venture partnerships;
2 and

3 (6) other public agencies and organizations with
4 authority for the planning and implementation of
5 conservation strategies in the Basin.

6 (d) PURPOSES.—The purposes of the program in-
7 clude—

8 (1) coordinating restoration and protection ac-
9 tivities among Federal, State, local, and regional en-
10 tities and conservation partners throughout the
11 Basin; and

12 (2) carrying out coordinated restoration and
13 protection activities, and providing for technical as-
14 sistance throughout the Basin and Basin States—

15 (A) to sustain and enhance fish and wild-
16 life habitat restoration and protection activities;

17 (B) to improve and maintain water quality
18 to support fish and wildlife, as well as the habi-
19 tats of fish and wildlife, and drinking water for
20 people;

21 (C) to sustain and enhance water manage-
22 ment for volume and flood damage mitigation
23 improvements to benefit fish and wildlife habi-
24 tat;

1 (D) to improve opportunities for public ac-
 2 cess and recreation in the Basin consistent with
 3 the ecological needs of fish and wildlife habitat;

4 (E) to facilitate strategic planning to maxi-
 5 mize the resilience of natural systems and habi-
 6 tats under changing watershed conditions;

7 (F) to engage the public through outreach,
 8 education, and citizen involvement, to increase
 9 capacity and support for coordinated restora-
 10 tion and protection activities in the Basin;

11 (G) to increase scientific capacity to sup-
 12 port the planning, monitoring, and research ac-
 13 tivities necessary to carry out coordinated res-
 14 toration and protection activities; and

15 (H) to provide technical assistance to carry
 16 out restoration and protection activities in the
 17 Basin.

18 **SEC. 7644. GRANTS AND ASSISTANCE.**

19 (a) DELAWARE RIVER BASIN RESTORATION GRANT
 20 PROGRAM.—To the extent that funds are available to
 21 carry out this section, the Secretary shall establish a vol-
 22 untary grant and technical assistance program to be
 23 known as the “Delaware River Basin Restoration Grant
 24 Program” to provide competitive matching grants of vary-
 25 ing amounts to State and local governments, nonprofit or-

1 ganizations, institutions of higher education, and other eli-
2 gible entities to carry out activities described in section
3 7643(d).

4 (b) CRITERIA.—The Secretary, in consultation with
5 the organizations described in section 7643(c), shall de-
6 velop criteria for the grant program to help ensure that
7 activities funded under this section accomplish one or
8 more of the purposes identified in section 7643(d)(2) and
9 advance the implementation of priority actions or needs
10 identified in the Basinwide strategy adopted under section
11 7643(b)(2).

12 (c) COST SHARING.—

13 (1) FEDERAL SHARE.—The Federal share of
14 the cost of a project funded under the grant pro-
15 gram shall not exceed 50 percent of the total cost
16 of the activity, as determined by the Secretary.

17 (2) NON-FEDERAL SHARE.—The non-Federal
18 share of the cost of a project funded under the grant
19 program may be provided in cash or in the form of
20 an in-kind contribution of services or materials.

21 (d) ADMINISTRATION.—

22 (1) IN GENERAL.—The Secretary may enter
23 into an agreement to manage the grant program
24 with the National Fish and Wildlife Foundation or

1 a similar organization that offers grant management
2 services.

3 (2) FUNDING.—If the Secretary enters into an
4 agreement under paragraph (1), the organization se-
5 lected shall—

6 (A) for each fiscal year, receive amounts to
7 carry out this section in an advance payment of
8 the entire amount on October 1, or as soon as
9 practicable thereafter, of that fiscal year;

10 (B) invest and reinvest those amounts for
11 the benefit of the grant program; and

12 (C) otherwise administer the grant pro-
13 gram to support partnerships between the pub-
14 lic and private sectors in accordance with this
15 part.

16 (3) REQUIREMENTS.—If the Secretary enters
17 into an agreement with the Foundation under para-
18 graph (1), any amounts received by the Foundation
19 under this section shall be subject to the National
20 Fish and Wildlife Foundation Establishment Act (16
21 U.S.C. 3701 et seq.), excluding section 10(a) of that
22 Act (16 U.S.C. 3709(a)).

23 **SEC. 7645. ANNUAL REPORTS.**

24 Not later than 180 days after the date of enactment
25 of this Act and annually thereafter, the Secretary shall

1 submit to Congress a report on the implementation of this
 2 part, including a description of each project that has re-
 3 ceived funding under this part.

4 **SEC. 7646. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There is authorized to be appro-
 6 priated to the Secretary to carry out this part \$5,000,000
 7 for each of fiscal years 2017 through 2022.

8 (b) USE.—Of any amount made available under this
 9 section for each fiscal year, the Secretary shall use at least
 10 75 percent to carry out the grant program under section
 11 7644 and to provide, or provide for, technical assistance
 12 under that program.

13 **PART V—COLUMBIA RIVER BASIN RESTORATION**

14 **SEC. 7651. COLUMBIA RIVER BASIN RESTORATION.**

15 Title I of the Federal Water Pollution Control Act
 16 (33 U.S.C. 1251 et seq.) is amended by adding at the end
 17 the following:

18 **“SEC. 123. COLUMBIA RIVER BASIN RESTORATION.**

19 “(a) DEFINITIONS.—

20 “(1) COLUMBIA RIVER BASIN.—The term ‘Co-
 21 lumbia River Basin’ means the entire United States
 22 portion of the Columbia River watershed.

23 “(2) ESTUARY PARTNERSHIP.—The term ‘Es-
 24 tuary Partnership’ means the Lower Columbia Estu-
 25 ary Partnership, an entity created by the States of

1 Oregon and Washington and the Environmental
2 Protection Agency under section 320.

3 “(3) ESTUARY PLAN.—

4 “(A) IN GENERAL.—The term ‘Estuary
5 Plan’ means the Estuary Partnership Com-
6 prehensive Conservation and Management Plan
7 adopted by the Environmental Protection Agen-
8 cy and the Governors of Oregon and Wash-
9 ington on October 20, 1999, under section 320.

10 “(B) INCLUSION.—The term ‘Estuary
11 Plan’ includes any amendments to the plan.

12 “(4) LOWER COLUMBIA RIVER ESTUARY.—The
13 term ‘Lower Columbia River Estuary’ means the
14 mainstem Columbia River from the Bonneville Dam
15 to the Pacific Ocean and tidally influenced portions
16 of tributaries to the Columbia River in that region.

17 “(5) MIDDLE AND UPPER COLUMBIA RIVER
18 BASIN.—The term ‘Middle and Upper Columbia
19 River Basin’ means the region consisting of the
20 United States portion of the Columbia River Basin
21 above Bonneville Dam.

22 “(6) PROGRAM.—The term ‘Program’ means
23 the Columbia River Basin Restoration Program es-
24 tablished under subsection (b)(1)(A).

1 “(b) COLUMBIA RIVER BASIN RESTORATION PRO-
2 GRAM.—

3 “(1) ESTABLISHMENT.—

4 “(A) IN GENERAL.—The Administrator
5 shall establish within the Environmental Protec-
6 tion Agency a Columbia River Basin Restora-
7 tion Program.

8 “(B) EFFECT.—

9 “(i) The establishment of the Pro-
10 gram does not modify any legal or regu-
11 latory authority or program in effect as of
12 the date of enactment of this section, in-
13 cluding the roles of Federal agencies in the
14 Columbia River Basin.

15 “(ii) This section does not create any
16 new regulatory authority.

17 “(2) SCOPE OF PROGRAM.—The Program shall
18 consist of a collaborative stakeholder-based program
19 for environmental protection and restoration activi-
20 ties throughout the Columbia River Basin.

21 “(3) DUTIES.—The Administrator shall—

22 “(A) assess trends in water quality, includ-
23 ing trends that affect uses of the water of the
24 Columbia River Basin;

1 “(B) collect, characterize, and assess data
2 on water quality to identify possible causes of
3 environmental problems; and

4 “(C) provide grants in accordance with
5 subsection (d) for projects that assist in—

6 “(i) eliminating or reducing pollution;

7 “(ii) cleaning up contaminated sites;

8 “(iii) improving water quality;

9 “(iv) monitoring to evaluate trends;

10 “(v) reducing runoff;

11 “(vi) protecting habitat; or

12 “(vii) promoting citizen engagement
13 or knowledge.

14 “(c) STAKEHOLDER WORKING GROUP.—

15 “(1) ESTABLISHMENT.—The Administrator
16 shall establish a Columbia River Basin Restoration
17 Working Group (referred to in this subsection as the
18 ‘Working Group’).

19 “(2) MEMBERSHIP.—

20 “(A) IN GENERAL.—Membership in the
21 Working Group shall be on a voluntary basis
22 and any person invited by the Administrator
23 under this subsection may decline membership.

1 “(B) INVITED REPRESENTATIVES.—The
2 Administrator shall invite, at a minimum, rep-
3 resentatives of—

4 “(i) each State located in whole or in
5 part within the Columbia River Basin;

6 “(ii) the Governors of each State lo-
7 cated in whole or in part with the Colum-
8 bia River Basin;

9 “(iii) each federally recognized Indian
10 tribe in the Columbia River Basin;

11 “(iv) local governments located in the
12 Columbia River Basin;

13 “(v) industries operating in the Co-
14 lumbia River Basin that affect or could af-
15 fect water quality;

16 “(vi) electric, water, and wastewater
17 utilities operating in the Columba River
18 Basin;

19 “(vii) private landowners in the Co-
20 lumbia River Basin;

21 “(viii) soil and water conservation dis-
22 tricts in the Columbia River Basin;

23 “(ix) nongovernmental organizations
24 that have a presence in the Columbia River
25 Basin;

1 “(x) the general public in the Colum-
2 bia River Basin; and

3 “(xi) the Estuary Partnership.

4 “(3) GEOGRAPHIC REPRESENTATION.—The
5 Working Group shall include representatives from—

6 “(A) each State; and

7 “(B) each of the Lower, Middle, and
8 Upper Basins of the Columbia River.

9 “(4) DUTIES AND RESPONSIBILITIES.—The
10 Working Group shall—

11 “(A) recommend and prioritize projects
12 and actions; and

13 “(B) review the progress and effectiveness
14 of projects and actions implemented.

15 “(5) LOWER COLUMBIA RIVER ESTUARY.—

16 “(A) ESTUARY PARTNERSHIP.—The Estu-
17 ary Partnership shall perform the duties and
18 fulfill the responsibilities of the Working Group
19 described in paragraph (4) as those duties and
20 responsibilities relate to the Lower Columbia
21 River Estuary for such time as the Estuary
22 Partnership is the management conference for
23 the Lower Columbia River National Estuary
24 Program under section 320.

1 “(B) DESIGNATION.—If the Estuary Part-
2 nership ceases to be the management con-
3 ference for the Lower Columbia River National
4 Estuary Program under section 320, the Ad-
5 ministrator may designate the new management
6 conference to assume the duties and responsibil-
7 ities of the Working Group described in para-
8 graph (4) as those duties and responsibilities
9 relate to the Lower Columbia River Estuary.

10 “(C) INCORPORATION.—If the Estuary
11 Partnership is removed from the National Estu-
12 ary Program, the duties and responsibilities for
13 the lower 146 miles of the Columbia River pur-
14 suant to this Act shall be incorporated into the
15 duties of the Working Group.

16 “(d) GRANTS.—

17 “(1) IN GENERAL.—The Administrator shall es-
18 tablish a voluntary, competitive Columbia River
19 Basin program to provide grants to State govern-
20 ments, tribal governments, regional water pollution
21 control agencies and entities, local government enti-
22 ties, nongovernmental entities, or soil and water con-
23 servation districts to develop or implement projects
24 authorized under this section for the purpose of en-

1 vironmental protection and restoration activities
2 throughout the Columbia River Basin.

3 “(2) FEDERAL SHARE.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), the Federal share of the cost
6 of any project or activity carried out using
7 funds from a grant provided to any person (in-
8 cluding a State, tribal, or local government or
9 interstate or regional agency) under this sub-
10 section for a fiscal year—

11 “(i) shall not exceed 75 percent of the
12 total cost of the project or activity; and

13 “(ii) shall be made on condition that
14 the non-Federal share of that total cost
15 shall be provided from non-Federal
16 sources.

17 “(B) EXCEPTIONS.—With respect to cost-
18 sharing for a grant provided under this sub-
19 section—

20 “(i) a tribal government may use Fed-
21 eral funds for the non-Federal share; and

22 “(ii) the Administrator may increase
23 the Federal share under such cir-
24 cumstances as the Administrator deter-
25 mines to be appropriate.

1 “(3) ALLOCATION.—In making grants using
2 funds appropriated to carry out this section, the Ad-
3 ministrator shall—

4 “(A) provide not less than 25 percent of
5 the funds to make grants for projects, pro-
6 grams, and studies in the Lower Columbia
7 River Estuary;

8 “(B) provide not less than 25 percent of
9 the funds to make grants for projects, pro-
10 grams, and studies in the Middle and Upper
11 Columbia River Basin, which includes the
12 Snake River Basin; and

13 “(C) retain for Environmental Protection
14 Agency not more than 5 percent of the funds
15 for purposes of implementing this section.

16 “(4) REPORTING.—

17 “(A) IN GENERAL.—Each grant recipient
18 under this subsection shall submit to the Ad-
19 ministrator reports on progress being made in
20 achieving the purposes of this section.

21 “(B) REQUIREMENTS.—The Administrator
22 shall establish requirements and timelines for
23 recipients of grants under this subsection to re-
24 port on progress made in achieving the pur-
25 poses of this section.

1 “(5) RELATIONSHIP TO OTHER FUNDING.—

2 “(A) IN GENERAL.—Nothing in this sub-
3 section limits the eligibility of the Estuary Part-
4 nership to receive funding under section 320(g).

5 “(B) LIMITATION.—None of the funds
6 made available under this subsection may be
7 used for the administration of a management
8 conference under section 320.

9 “(e) ANNUAL BUDGET PLAN.—The President, as
10 part of the annual budget submission of the President to
11 Congress under section 1105(a) of title 31, United States
12 Code, shall submit information regarding each Federal
13 agency involved in protection and restoration of the Co-
14 lumbia River Basin, including an interagency crosscut
15 budget that displays for each Federal agency—

16 “(1) the amounts obligated for the preceding
17 fiscal year for protection and restoration projects,
18 programs, and studies relating to the Columbia
19 River Basin;

20 “(2) the estimated budget for the current fiscal
21 year for protection and restoration projects, pro-
22 grams, and studies relating to the Columbia River
23 Basin; and

1 “(3) the proposed budget for protection and
2 restoration projects, programs, and studies relating
3 to the Columbia River Basin.”.

4 **Subtitle G—Innovative Water In-**
5 **frastructure Workforce Develop-**
6 **ment**

7 **SEC. 7701. INNOVATIVE WATER INFRASTRUCTURE WORK-**
8 **FORCE DEVELOPMENT PROGRAM.**

9 (a) GRANTS AUTHORIZED.—The Administrator shall
10 establish a competitive grant program to assist the devel-
11 opment of innovative activities relating to workforce devel-
12 opment in the water utility sector.

13 (b) SELECTION OF GRANT RECIPIENTS.—In award-
14 ing grants under subsection (a), the Administrator shall,
15 to the maximum extent practicable, select water utilities
16 that—

17 (1) are geographically diverse;

18 (2) address the workforce and human resources
19 needs of large and small public water and waste-
20 water utilities;

21 (3) address the workforce and human resources
22 needs of urban and rural public water and waste-
23 water utilities;

24 (4) advance training relating to construction,
25 utility operations, treatment and distribution, green

1 infrastructure, customer service, maintenance, and
2 engineering; and

3 (5)(A) have a high retiring workforce rate; or

4 (B) are located in areas with a high unemploy-
5 ment rate.

6 (c) USE OF FUNDS.—Grants awarded under sub-
7 section (a) may be used for activities such as—

8 (1) targeted internship, apprenticeship,
9 preapprenticeship, and post-secondary bridge pro-
10 grams for mission-critical skilled trades, in collabo-
11 ration with labor organizations, community colleges,
12 and other training and education institutions that
13 provide—

14 (A) on-the-job training;

15 (B) soft and hard skills development;

16 (C) test preparation for skilled trade ap-
17 prenticeships; or

18 (D) other support services to facilitate
19 post-secondary success;

20 (2) kindergarten through 12th grade and young
21 adult education programs that—

22 (A) educate young people about the role of
23 water and wastewater utilities in the commu-
24 nities of the young people;

1 (B) increase the career awareness and ex-
2 posure of the young people to water utility ca-
3 reers through various work-based learning op-
4 portunities inside and outside the classroom;
5 and

6 (C) connect young people to post-secondary
7 career pathways related to water utilities;

8 (3) regional industry and workforce develop-
9 ment collaborations to identify water utility employ-
10 ment needs, map existing career pathways, support
11 the development of curricula, facilitate the sharing
12 of resources, and coordinate candidate development,
13 staff preparedness efforts, and activities that engage
14 and support—

15 (A) water utilities employers;

16 (B) educational and training institutions;

17 (C) local community-based organizations;

18 (D) public workforce agencies; and

19 (E) other related stakeholders;

20 (4) integrated learning laboratories embedded
21 in high schools or other secondary educational insti-
22 tutions that provide students with—

23 (A) hands-on, contextualized learning op-
24 portunities;

1 (B) dual enrollment credit for post-sec-
 2 ondary education and training programs; and

3 (C) direct connection to industry employ-
 4 ers; and

5 (5) leadership development, occupational train-
 6 ing, mentoring, or cross-training programs that en-
 7 sure that incumbent water and wastewater utilities
 8 workers are prepared for higher-level supervisory or
 9 management-level positions.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
 11 authorized to be appropriated to the Administrator to
 12 carry out this section \$1,000,000 for each of fiscal years
 13 2017 through 2021.

14 **Subtitle H—Offset**

15 **SEC. 7801. OFFSET.**

16 None of the funds available to the Secretary of En-
 17 ergy to provide any credit subsidy under subsection (d)
 18 of section 136 of the Energy Independence and Security
 19 Act of 2007 (42 U.S.C. 17013) as of the date of enact-
 20 ment of this Act shall be obligated for new loan commit-
 21 ments under that subsection on or after October 1, 2020.

1 **TITLE VIII—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 8001. APPROVAL OF STATE PROGRAMS FOR CONTROL**
4 **OF COAL COMBUSTION RESIDUALS.**

5 Section 4005 of the Solid Waste Disposal Act (42
6 U.S.C. 6945) is amended by adding at the end the fol-
7 lowing:

8 “(d) STATE PROGRAMS FOR CONTROL OF COAL
9 COMBUSTION RESIDUALS.—

10 “(1) APPROVAL BY ADMINISTRATOR.—

11 “(A) IN GENERAL.—Each State may sub-
12 mit to the Administrator, in such form as the
13 Administrator may establish, evidence of a per-
14 mit program or other system of prior approval
15 and conditions under State law for regulation
16 by the State of coal combustion residual units
17 that are located in the State in lieu of a Fed-
18 eral program under this subsection.

19 “(B) REQUIREMENT.—Not later than 90
20 days after the date on which a State submits
21 the evidence described in subparagraph (A), the
22 Administrator shall approve, in whole or in
23 part, a permit program or other system of prior
24 approval and conditions submitted under sub-
25 paragraph (A) if the Administrator determines

1 that the program or other system requires each
2 coal combustion residual unit located in the
3 State to achieve compliance with—

4 “(i) the applicable criteria for coal
5 combustion residual units under part 257
6 of title 40, Code of Federal Regulations (or
7 successor regulations), promulgated pursu-
8 ant to sections 1008(a)(3) and 4004(a); or

9 “(ii) such other State criteria that the
10 Administrator, after consultation with the
11 State, determines to be at least as protec-
12 tive as the criteria described in clause (i).

13 “(C) PERMIT REQUIREMENTS.—The Ad-
14 ministrator may approve under subparagraph
15 (B)(ii) a State permit program or other system
16 of prior approval and conditions that allows a
17 State to include technical standards for indi-
18 vidual permits or conditions of approval that
19 differ from the technical standards under part
20 257 of title 40, Code of Federal Regulations (or
21 successor regulations), if, based on site-specific
22 conditions, the technical standards established
23 pursuant to an approved State program or
24 other system are at least as protective as the
25 technical standards under that part.

1 “(D) WITHDRAWAL OF APPROVAL.—

2 “(i) PROGRAM REVIEW.—The Admin-
3 istrator shall review programs or other sys-
4 tems approved under subparagraph (B)—

5 “(I) from time to time, but not
6 less frequently than once every 5
7 years; or

8 “(II) on request of any State.

9 “(ii) NOTIFICATION AND OPPOR-
10 TUNITY FOR A PUBLIC HEARING.—The Ad-
11 ministrator shall provide to the relevant
12 State notice and an opportunity for a pub-
13 lic hearing if the Administrator determines
14 that—

15 “(I) a revision or correction to
16 the permit program or other system of
17 prior approval and conditions of the
18 State is required for the State to
19 achieve compliance with the require-
20 ments of subparagraph (B);

21 “(II) the State has not adopted
22 and implemented an adequate permit
23 program or other system of prior ap-
24 proval and conditions for each coal
25 combustion residual unit located in

1 the State to ensure compliance with
2 the requirements of subparagraph
3 (B); or

4 “(III) the State has, at any time,
5 approved or failed to revoke a permit
6 under this subsection that would lead
7 to the violation of a law to protect
8 human health or the environment of
9 any other State.

10 “(iii) WITHDRAWAL.—

11 “(I) IN GENERAL.—The Admin-
12 istrator shall withdraw approval of a
13 State permit program or other system
14 of prior approval and conditions if,
15 after the Administrator provides no-
16 tice and an opportunity for a public
17 hearing to the relevant State under
18 clause (ii), the Administrator deter-
19 mines that the State has not corrected
20 the deficiency.

21 “(II) REINSTATEMENT OF STATE
22 APPROVAL.—Any withdrawal of ap-
23 proval under subclause (I) shall cease
24 to be effective on the date on which
25 the Administrator makes a determina-

1 tion that the State permit program or
2 other system of prior approval and
3 conditions complies with the require-
4 ments of subparagraph (B).

5 “(2) NONPARTICIPATING STATES.—

6 “(A) DEFINITION OF NONPARTICIPATING
7 STATE.—In this paragraph, the term ‘non-
8 participating State’ means a State—

9 “(i) for which the Administrator has
10 not approved a State permit program or
11 other system of prior approval and condi-
12 tions under paragraph (1)(B);

13 “(ii) the Governor of which has not
14 submitted to the Administrator for ap-
15 proval evidence to operate a State permit
16 program or other system of prior approval
17 and conditions under paragraph (1)(A);

18 “(iii) the Governor of which has pro-
19 vided notice to the Administrator that, not
20 fewer than 90 days after the date on which
21 the Governor provides notice to the Admin-
22 istrator, the State relinquishes an approval
23 under paragraph (1)(B) to operate a per-
24 mit program or other system of prior ap-
25 proval and conditions; or

1 “(iv) for which the Administrator has
2 withdrawn approval for a permit program
3 or other system of prior approval and con-
4 ditions under paragraph (1)(D)(iii).

5 “(B) PERMIT PROGRAM.—In the case of a
6 nonparticipating State for which the Adminis-
7 trator makes a determination that the non-
8 participating State lacks the capacity to imple-
9 ment a permit program or other system of prior
10 approval and conditions and subject to the
11 availability of appropriations, the Administrator
12 may implement a permit program to require
13 each coal combustion residual unit located in
14 the nonparticipating State to achieve compli-
15 ance with applicable criteria established by the
16 Administrator under part 257 of title 40, Code
17 of Federal Regulations (or successor regula-
18 tions).

19 “(3) APPLICABILITY OF CRITERIA.—The appli-
20 cable criteria for coal combustion residual units
21 under part 257 of title 40, Code of Federal Regula-
22 tions (or successor regulations), promulgated pursu-
23 ant to sections 1008(a)(3) and 4004(a), shall apply
24 to each coal combustion residual unit in a State un-
25 less—

1 “(A) a permit under a State permit pro-
2 gram or other system of prior approval and
3 conditions approved by the Administrator under
4 paragraph (1)(B) is in effect; or

5 “(B) a permit issued by the Administrator
6 in a State in which the Administrator is imple-
7 menting a permit program under paragraph
8 (2)(B) is in effect.

9 “(4) PROHIBITION ON OPEN DUMPING.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B)(i) and subject to subpara-
12 graph (B)(ii), the Administrator may use the
13 authority provided by sections 3007 and 3008
14 to enforce the prohibition against open dumping
15 contained in subsection (a) with respect to a
16 coal combustion residual unit.

17 “(B) FEDERAL ENFORCEMENT IN AP-
18 PROVED STATE.—

19 “(i) IN GENERAL.—In the case of a
20 coal combustion residual unit located in a
21 State that is approved to operate a permit
22 program or other system of prior approval
23 and conditions under paragraph (1)(B),
24 the Administrator may commence an ad-

1 ministrative or judicial enforcement action
2 under section 3008 if—

3 “(I) the State requests that the
4 Administrator provide assistance in
5 the performance of the enforcement
6 action; or

7 “(II) after consideration of any
8 other administrative or judicial en-
9 forcement action involving the coal
10 combustion residual unit, the Admin-
11 istrator determines that an enforce-
12 ment action is likely to be necessary
13 to ensure that the coal combustion re-
14 sidual unit is operating in accordance
15 with the criteria established under the
16 permit program or other system of
17 prior approval and conditions.

18 “(ii) NOTIFICATION.—In the case of
19 an enforcement action by the Adminis-
20 trator under clause (i)(II), before issuing
21 an order or commencing a civil action, the
22 Administrator shall notify the State in
23 which the coal combustion residual unit is
24 located.

1 “(iii) ANNUAL REPORT TO CON-
2 GRESS.—Not later than December 31,
3 2017, and December 31 of each year
4 thereafter, the Administrator shall submit
5 to the Committee on Environment and
6 Public Works of the Senate and the Com-
7 mittee on Energy and Commerce of the
8 House of Representatives a report that de-
9 scribes any enforcement action commenced
10 under clause (i)(II), including a description
11 of the basis for the enforcement action.

12 “(5) INDIAN COUNTRY.—The Administrator
13 may establish and carry out a permit program, in
14 accordance with this subsection, for coal combustion
15 residual units in Indian country (as defined in sec-
16 tion 1151 of title 18, United States Code) to require
17 each coal combustion residual unit located in Indian
18 country to achieve compliance with the applicable
19 criteria established by the Administrator under part
20 257 of title 40, Code of Federal Regulations (or suc-
21 cessor regulations).

22 “(6) TREATMENT OF COAL COMBUSTION RESID-
23 UAL UNITS.—A coal combustion residual unit shall
24 be considered to be a sanitary landfill for purposes

1 of subsection (a) only if the coal combustion residual
 2 unit is operating in accordance with—

3 “(A) the requirements established pursu-
 4 ant to a program for which an approval is pro-
 5 vided by—

6 “(i) the State in accordance with a
 7 program or system approved under para-
 8 graph (1)(B); or

9 “(ii) the Administrator pursuant to
 10 paragraph (2)(B) or paragraph (5); or

11 “(B) the applicable criteria for coal com-
 12 bustion residual units under part 257 of title
 13 40, Code of Federal Regulations (or successor
 14 regulations), promulgated pursuant to sections
 15 1008(a)(3) and 4004(a).

16 “(7) EFFECT OF SUBSECTION.—Nothing in this
 17 subsection affects any authority, regulatory deter-
 18 mination, other law, or legal obligation in effect on
 19 the day before the date of enactment of the Water
 20 Resources Development Act of 2016.”.

21 **SEC. 8002. CHOCTAW NATION OF OKLAHOMA AND THE**
 22 **CHICKASAW NATION WATER SETTLEMENT.**

23 (a) PURPOSES.—The purposes of this section are—

24 (1) to permanently resolve and settle those
 25 claims to Settlement Area Waters of the Choctaw

1 Nation of Oklahoma and the Chickasaw Nation as
2 set forth in the Settlement Agreement and this sec-
3 tion, including all claims or defenses in and to
4 Chickasaw Nation, Choctaw Nation v. Fallin et al.,
5 CIV 11-927 (W.D. Ok.), OWRB v. United States,
6 et al. CIV 12-275 (W.D. Ok.), or any future stream
7 adjudication;

8 (2) to approve, ratify, and confirm the Settle-
9 ment Agreement;

10 (3) to authorize and direct the Secretary of the
11 Interior to execute the Settlement Agreement and to
12 perform all obligations of the Secretary of the Inte-
13 rior under the Settlement Agreement and this sec-
14 tion;

15 (4) to approve, ratify, and confirm the amended
16 storage contract among the State, the City and the
17 Trust;

18 (5) to authorize and direct the Secretary to ap-
19 prove the amended storage contract for the Corps of
20 Engineers to perform all obligations under the 1974
21 storage contract, the amended storage contract, and
22 this section; and

23 (6) to authorize all actions necessary for the
24 United States to meet its obligations under the Set-

1 tlement Agreement, the amended storage contract,
2 and this section.

3 (b) DEFINITIONS.—In this section:

4 (1) 1974 STORAGE CONTRACT.—The term
5 “1974 storage contract” means the contract ap-
6 proved by the Secretary on April 9, 1974, between
7 the Secretary and the Water Conservation Storage
8 Commission of the State of Oklahoma pursuant to
9 section 301 of the Water Supply Act of 1958 (43
10 U.S.C. 390b), and other applicable Federal law.

11 (2) 2010 AGREEMENT.—The term “2010 agree-
12 ment” means the agreement entered into among the
13 OWRB and the Trust, dated June 15, 2010, relat-
14 ing to the assignment by the State of the 1974 stor-
15 age contract and transfer of rights, title, interests,
16 and obligations under that contract to the Trust, in-
17 cluding the interests of the State in the conservation
18 storage capacity and associated repayment obliga-
19 tions to the United States.

20 (3) ADMINISTRATIVE SET-ASIDE SUB-
21 CONTRACTS.—The term “administrative set-aside
22 subcontracts” means the subcontracts the City shall
23 issue for the use of Conservation Storage Capacity
24 in Sardis Lake as provided by section 4 of the
25 amended storage contract.

1 (4) ALLOTMENT.—The term “allotment” means
 2 the land within the Settlement Area held by an allot-
 3 tee subject to a statutory restriction on alienation or
 4 held by the United States in trust for the benefit of
 5 an allottee.

6 (5) ALLOTTEE.—The term “allottee” means an
 7 enrolled member of the Choctaw Nation or citizen of
 8 the Chickasaw Nation who, or whose estate, holds
 9 an interest in an allotment.

10 (6) AMENDED PERMIT APPLICATION.—The
 11 term “amended permit application” means the per-
 12 mit application of the City to the OWRB, No. 2007–
 13 17, as amended as provided by the Settlement
 14 Agreement.

15 (7) AMENDED STORAGE CONTRACT TRANSFER
 16 AGREEMENT; AMENDED STORAGE CONTRACT.—The
 17 terms “amended storage contract transfer agree-
 18 ment” and “amended storage contract” mean the
 19 2010 Agreement between the City, the Trust, and
 20 the OWRB, as amended, as provided by the Settle-
 21 ment Agreement and this section.

22 (8) ATOKA AND SARDIS CONSERVATION
 23 PROJECTS FUND.—The term “Atoka and Sardis
 24 Conservation Projects Fund” means the Atoka and
 25 Sardis Conservation Projects Fund established,

1 funded, and managed in accordance with the Settle-
2 ment Agreement.

3 (9) CITY.—The term “City” means the City of
4 Oklahoma City, or the City and the Trust acting
5 jointly, as applicable.

6 (10) CITY PERMIT.—The term “City permit”
7 means any permit issued to the City by the OWRB
8 pursuant to the amended permit application and
9 consistent with the Settlement Agreement.

10 (11) CONSERVATION STORAGE CAPACITY.—The
11 term “conservation storage capacity” means the
12 total storage space as stated in the 1974 storage
13 contract in Sardis Lake between elevations 599.0
14 feet above mean sea level and 542.0 feet above mean
15 sea level, which is estimated to contain 297,200
16 acre-feet of water after adjustment for sediment de-
17 posits, and which may be used for municipal and in-
18 dustrial water supply, fish and wildlife, and recre-
19 ation.

20 (12) ENFORCEABILITY DATE.—The term “en-
21 forceability date” means the date on which the Sec-
22 retary of the Interior publishes in the Federal Reg-
23 ister a notice certifying that the conditions of sub-
24 section (i) have been satisfied.

1 (13) FUTURE USE STORAGE.—The term “fu-
2 ture use storage” means that portion of the con-
3 servation storage capacity that was designated by
4 the 1974 Contract to be utilized for future water use
5 storage and was estimated to contain 155,500 acre
6 feet of water after adjustment for sediment deposits,
7 or 52.322 percent of the conservation storage capaci-
8 ty.

9 (14) NATIONS.—The term “Nations” means,
10 collectively, the Choctaw Nation of Oklahoma
11 (“Choctaw Nation”) and the Chickasaw Nation.

12 (15) OWRB.—The term “OWRB” means the
13 Oklahoma Water Resources Board.

14 (16) SARDIS LAKE.—The term “Sardis Lake”
15 means the reservoir, formerly known as Clayton
16 Lake, whose dam is located in Section 19, Township
17 2 North, Range 19 East of the Indian Meridian,
18 Pushmataha County, Oklahoma, the construction,
19 operation, and maintenance of which was authorized
20 by section 203 of the Flood Control Act of 1962
21 (Public Law 87–874; 76 Stat. 1187).

22 (17) SETTLEMENT AGREEMENT.—The term
23 “Settlement Agreement” means the settlement
24 agreement as approved by the Nations, the State,
25 the City, and the Trust effective August 22, 2016,

as revised to conform with this section, as applicable.

(18) SETTLEMENT AREA.—The term “settlement area” means—

(A) the area lying between—

(i) the South Canadian River and Arkansas River to the north;

(ii) the Oklahoma–Texas State line to the south;

(iii) the Oklahoma–Arkansas State line to the east; and

(iv) the 98th Meridian to the west; and

(B) the area depicted in Exhibit 1 to the Settlement Agreement and generally including the following counties, or portions of, in the State:

(i) Atoka.

(ii) Bryan.

(iii) Carter.

(iv) Choctaw.

(v) Coal.

(vi) Garvin.

(vii) Grady.

(viii) McClain.

- 1 (ix) Murray.
- 2 (x) Haskell.
- 3 (xi) Hughes.
- 4 (xii) Jefferson.
- 5 (xiii) Johnston.
- 6 (xiv) Latimer.
- 7 (xv) LeFlore.
- 8 (xvi) Love.
- 9 (xvii) Marshall.
- 10 (xviii) McCurtain.
- 11 (xix) Pittsburgh.
- 12 (xx) Pontotoc.
- 13 (xxi) Pushmataha.
- 14 (xxii) Stephens.
- 15 (19) SETTLEMENT AREA WATERS.—The term
- 16 “settlement area waters” means the waters lo-
- 17 cated—
- 18 (A) within the settlement area; and
- 19 (B) within a basin depicted in Exhibit 10
- 20 to the Settlement Agreement, including any of
- 21 the following basins as denominated in the
- 22 2012 Update of the Oklahoma Comprehensive
- 23 Water Plan:
- 24 (i) Beaver Creek (24, 25, and 26).
- 25 (ii) Blue (11 and 12).

- 1 (iii) Clear Boggy (9).
- 2 (iv) Kiamichi (5 and 6).
- 3 (v) Lower Arkansas (46 and 47).
- 4 (vi) Lower Canadian (48, 56, 57, and
- 5 58).
- 6 (vii) Lower Little (2).
- 7 (viii) Lower Washita (14).
- 8 (ix) Mountain Fork (4).
- 9 (x) Middle Washita (15 and 16).
- 10 (xi) Mud Creek (23).
- 11 (xii) Muddy Boggy (7 and 8).
- 12 (xiii) Poteau (44 and 45).
- 13 (xiv) Red River Mainstem (1, 10, 13,
- 14 and 21).
- 15 (xv) Upper Little (3).
- 16 (xvi) Walnut Bayou (22).

17 (20) STATE.—The term “State” means the
 18 State of Oklahoma.

19 (21) TRUST.—

20 (A) IN GENERAL.—The term “Trust”
 21 means the Oklahoma City Water Utilities
 22 Trust, formerly known as the Oklahoma City
 23 Municipal Improvement Authority, a public
 24 trust established pursuant to State law with the
 25 City as the beneficiary.

1 (B) REFERENCES.—A reference in this
2 section to “Trust” shall refer to the Oklahoma
3 City Water Utilities Trust, acting severally.

4 (c) APPROVAL OF THE SETTLEMENT AGREEMENT.—

5 (1) RATIFICATION.—

6 (A) IN GENERAL.—Except as modified by
7 this section, and to the extent the Settlement
8 Agreement does not conflict with this section,
9 the Settlement Agreement is authorized, rati-
10 fied, and confirmed.

11 (B) AMENDMENTS.—If an amendment is
12 executed to make the Settlement Agreement
13 consistent with this section, the amendment is
14 also authorized, ratified and confirmed to the
15 extent the amendment is consistent with this
16 section.

17 (2) EXECUTION OF SETTLEMENT AGREE-
18 MENT.—

19 (A) IN GENERAL.—To the extent the Set-
20 tlement Agreement does not conflict with this
21 section, the Secretary of the Interior shall
22 promptly execute the Settlement Agreement, in-
23 cluding all exhibits to or parts of the Settlement
24 Agreement requiring the signature of the Sec-
25 retary of the Interior and any amendments nec-

1 essary to make the Settlement Agreement con-
2 sistent with this section.

3 (B) NOT A MAJOR FEDERAL ACTION.—
4 Execution of the Settlement Agreement by the
5 Secretary of the Interior under this subsection
6 shall not constitute a major Federal action
7 under the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.).

9 (d) APPROVAL OF THE AMENDED STORAGE CON-
10 TRACT AND 1974 STORAGE CONTRACT.—

11 (1) RATIFICATION.—

12 (A) IN GENERAL.—Except to the extent
13 any provision of the amended storage contract
14 conflicts with any provision of this section, the
15 amended storage contract is authorized, rati-
16 fied, and confirmed.

17 (B) 1974 STORAGE CONTRACT.—To the
18 extent the amended storage contract, as author-
19 ized, ratified, and confirmed, modifies or
20 amends the 1974 storage contract, the modi-
21 fication or amendment to the 1974 storage con-
22 tract is authorized, ratified, and confirmed.

23 (C) AMENDMENTS.—To the extent an
24 amendment is executed to make the amended
25 storage contract consistent with this section,

1 the amendment is authorized, ratified, and con-
2 firmed.

3 (2) APPROVAL BY THE SECRETARY.—After the
4 State and the City execute the amended storage con-
5 tract, the Secretary shall approve the amended stor-
6 age contract.

7 (3) MODIFICATION OF SEPTEMBER 11, 2009,
8 ORDER IN UNITED STATES V. OKLAHOMA WATER RE-
9 SOURCES BOARD, CIV 98–00521 (N.D. OK).—The Sec-
10 retary, through counsel, shall cooperate and work
11 with the State to file any motion and proposed order
12 to modify or amend the order of the United States
13 District Court for the Northern District of Okla-
14 homa dated September 11, 2009, necessary to con-
15 form the order to the amended storage contract
16 transfer agreement, the Settlement Agreement, and
17 this section.

18 (4) CONSERVATION STORAGE CAPACITY.—The
19 allocation of the use of the conservation storage ca-
20 pacity in Sardis Lake for administrative set-aside
21 subcontracts, City water supply, and fish and wild-
22 life and recreation as provided by the amended stor-
23 age contract is authorized, ratified and approved.

24 (5) ACTIVATION; WAIVER.—

25 (A) FINDINGS.—Congress finds that—

1 (i) the earliest possible activation of
2 any increment of future use storage in
3 Sardis Lake will not occur until after
4 2050; and

5 (ii) the obligation to make annual
6 payments for the Sardis future use storage
7 operation, maintenance and replacement
8 costs, capital costs, or interest attributable
9 to Sardis future use storage only arises if,
10 and only to the extent, that an increment
11 of Sardis future use storage is activated by
12 withdrawal or release of water from the fu-
13 ture use storage that is authorized by the
14 user for a consumptive use of water.

15 (B) WAIVER OF OBLIGATIONS FOR STOR-
16 AGE THAT IS NOT ACTIVATED.—Notwith-
17 standing section 301 of the Water Supply Act
18 of 1958 (43 U.S.C. 390b), section 203 of the
19 Flood Control Act of 1962 (Public Law 87-
20 874; 76 Stat. 1187), the 1974 storage contract,
21 or any other provision of law, effective as of
22 January 1, 2050—

23 (i) the entirety of any repayment obli-
24 gations (including interest), relating to
25 that portion of conservation storage capac-

1 ity allocated by the 1974 storage contract
2 to future use storage in Sardis Lake is
3 waived and shall be considered nonreim-
4 bursable; and

5 (ii) any obligation of the State and,
6 on execution and approval of the amended
7 storage contract, of the City and the
8 Trust, under the 1974 storage contract re-
9 garding capital costs and any operation,
10 maintenance, and replacement costs and
11 interest otherwise attributable to future
12 use storage in Sardis Lake is waived and
13 shall be nonreimbursable, if by January 1,
14 2050, the right to future use storage is not
15 activated by the withdrawal or release of
16 water from future use storage for an au-
17 thorized consumptive use of water.

18 (6) CONSISTENT WITH AUTHORIZED PURPOSES;

19 NO MAJOR OPERATIONAL CHANGE.—

20 (A) CONSISTENT WITH AUTHORIZED PUR-
21 POSE.—The amended storage contract, the ap-
22 proval of the Secretary of the amended storage
23 contract, and the waiver of future use storage
24 under paragraph (5)—

(i) are deemed consistent with the authorized purposes for Sardis Lake as described in section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187) and do not affect the authorized purposes for which the project was authorized, surveyed, planned, and constructed; and

(ii) shall not constitute a reallocation of storage.

(B) NO MAJOR OPERATIONAL CHANGE.—

The amended storage contract, the approval of the Secretary of the amended storage contract, and the waiver of future use storage under paragraph (5) shall not constitute a major operational change under section 301(e) of the Water Supply Act of 1958 (43 U.S.C. 390b(e)).

(7) NO FURTHER AUTHORIZATION REQUIRED.—This section shall be considered sufficient and complete authorization, without further study or analysis, for—

(A) the Secretary to approve the amended storage contract; and

(B) after approval under subparagraph (A), the Corps of Engineers to manage storage

1 in Sardis Lake pursuant to and in accordance
2 with the 1974 storage contract, the amended
3 storage contract, and the Settlement Agree-
4 ment.

5 (e) SETTLEMENT AREA WATERS.—

6 (1) FINDINGS.—Congress finds that—

7 (A) pursuant to the Atoka Agreement as
8 ratified by section 29 of the Act of June 28,
9 1898 (30 Stat. 505, chapter 517) (as modified
10 by the Act of July 1, 1902 (32 Stat. 641, chap-
11 ter 1362)), the Nations issued patents to their
12 respective tribal members and citizens and
13 thereby conveyed to individual Choctaws and
14 Chickasaws, all right, title, and interest in and
15 to land that was possessed by the Nations,
16 other than certain mineral rights; and

17 (B) when title passed from the Nations to
18 their respective tribal members and citizens, the
19 Nations did not convey and those individuals
20 did not receive any right of regulatory or sov-
21 ereign authority, including with respect to
22 water.

23 (2) PERMITTING, ALLOCATION, AND ADMINIS-
24 TRATION OF SETTLEMENT AREA WATERS PURSUANT
25 TO THE SETTLEMENT AGREEMENT.—Beginning on

1 the enforceability date, settlement area waters shall
2 be permitted, allocated, and administered by the
3 OWRB in accordance with the Settlement Agree-
4 ment and this section.

5 (3) CHOCTAW NATION AND CHICKASAW NA-
6 TION.—Beginning on the enforceability date, the
7 Nations shall have the right to use and to develop
8 the right to use settlement area waters only in ac-
9 cordance with the Settlement Agreement and this
10 section.

11 (4) WAIVER AND DELEGATION BY NATIONS.—
12 In addition to the waivers under subsection (h), the
13 Nations, on their own behalf, shall permanently dele-
14 gate to the State any regulatory authority each Na-
15 tion may possess over water rights on allotments,
16 which the State shall exercise in accordance with the
17 Settlement Agreement and this subsection.

18 (5) RIGHT TO USE WATER.—

19 (A) IN GENERAL.—An allottee may use
20 water on an allotment in accordance with the
21 Settlement Agreement and this subsection.

22 (B) SURFACE WATER USE.—

23 (i) IN GENERAL.—An allottee may di-
24 vert and use, on the allotment of the allot-
25 tee, 6 acre-feet per year of surface water

1 per 160 acres, to be used solely for domes-
2 tic uses on an allotment that constitutes ri-
3 parian land under applicable State law as
4 of the date of enactment of this Act.

5 (ii) EFFECT OF STATE LAW.—The use
6 of surface water described in clause (i)
7 shall be subject to all rights and protec-
8 tions of State law, as of the date of enact-
9 ment of this Act, including all protections
10 against loss for nonuse.

11 (iii) NO PERMIT REQUIRED.—An al-
12 lottee may divert water under this sub-
13 section without a permit or any other au-
14 thorization from the OWRB.

15 (C) GROUNDWATER USE.—

16 (i) IN GENERAL.—An allottee may
17 drill wells on the allotment of the allottee
18 to take and use for domestic uses the
19 greater of—

20 (I) 5 acre-feet per year; or

21 (II) any greater quantity allowed
22 under State law.

23 (ii) EFFECT OF STATE LAW.—The
24 groundwater use described in clause (i)
25 shall be subject to all rights and protec-

1 tions of State law, as of the date of enact-
2 ment of this Act, including all protections
3 against loss for nonuse.

4 (iii) NO PERMIT REQUIRED.—An al-
5 lottee may drill wells and use water under
6 this subsection without a permit or any
7 other authorization from the OWRB.

8 (D) FUTURE CHANGES IN STATE LAW.—

9 (i) IN GENERAL.—If State law
10 changes to limit use of water to a quantity
11 that is less than the applicable quantity
12 specified in subparagraph (B) or (C), as
13 applicable, an allottee shall retain the right
14 to use water in accord with those subpara-
15 graphs, subject to paragraphs (6)(B)(iv)
16 and (7).

17 (ii) OPPORTUNITY TO BE HEARD.—
18 Prior to taking any action to limit the use
19 of water by an individual, the OWRB shall
20 provide to the individual an opportunity to
21 demonstrate that the individual is—

22 (I) an allottee; and

23 (II) using water on the allotment
24 pursuant to and in accordance with

1 the Settlement Agreement and this
2 section.

3 (6) ALLOTTEE OPTIONS FOR ADDITIONAL
4 WATER.—

5 (A) IN GENERAL.—To use a quantity of
6 water in excess of the quantities provided under
7 paragraph (5), an allottee shall—

8 (i) file an action under subparagraph
9 (B); or

10 (ii) apply to the OWRB for a permit
11 pursuant to, and in accordance with, State
12 law.

13 (B) DETERMINATION IN FEDERAL DIS-
14 TRICT COURT.—

15 (i) IN GENERAL.—In lieu of applying
16 to the OWRB for a permit to use more
17 water than is allowed under paragraph (5),
18 an allottee may, after written notice to the
19 OWRB, file an action in the United States
20 District Court for the Western District of
21 Oklahoma for determination of the right to
22 water of the allottee.

23 (ii) JURISDICTION.—For purposes of
24 this subsection—

1 (I) the United States District
2 Court for the Western District of
3 Oklahoma shall have jurisdiction; and

4 (II) the waivers of immunity
5 under subparagraphs (A) and (B) of
6 subsection (j)(2) shall apply.

7 (iii) REQUIREMENTS.—An allottee fil-
8 ing an action pursuant to this subpara-
9 graph shall—

10 (I) join the OWRB as a party;
11 and

12 (II) publish notice in a news-
13 paper of general circulation within the
14 Settlement Area Hydrologic Basin for
15 2 consecutive weeks, with the first
16 publication appearing not later than
17 30 days after the date on which the
18 action is filed.

19 (iv) DETERMINATION FINAL.—

20 (I) IN GENERAL.—Subject to
21 subclause (II), if an allottee elects to
22 have the rights of the allottee deter-
23 mined pursuant to this subparagraph,
24 the determination shall be final as to
25 any rights under Federal law and in

1 lieu of any rights to use water on an
2 allotment as provided in paragraph
3 (5).

4 (II) RESERVATION OF RIGHTS.—
5 Subelause (I) shall not preclude an al-
6 lottee from—

7 (aa) applying to the OWRB
8 for water rights pursuant to
9 State law; or
10 (bb) using any rights al-
11 lowed by State law that do not
12 require a permit from the
13 OWRB.

14 (7) OWRB ADMINISTRATION AND ENFORCE-
15 MENT.—

16 (A) IN GENERAL.—If an allottee exercises
17 any right under paragraph (5) or has rights de-
18 termined under paragraph (6)(B), the OWRB
19 shall have jurisdiction to administer those
20 rights.

21 (B) CHALLENGES.—An allottee may chal-
22 lenge OWRB administration of rights deter-
23 mined under this paragraph, in the United
24 States District Court for the Western District
25 of Oklahoma.

1 (8) PRIOR EXISTING STATE LAW RIGHTS.—

2 Water rights held by an allottee as of the enforce-
3 ability date pursuant to a permit issued by the
4 OWRB shall be governed by the terms of that per-
5 mit and applicable State law (including regulations).

6 (f) CITY PERMIT FOR APPROPRIATION OF STREAM
7 WATER FROM THE KIAMICHI RIVER.—The City permit
8 shall be processed, evaluated, issued, and administered
9 consistent with and in accordance with the Settlement
10 Agreement and this section.

11 (g) SETTLEMENT COMMISSION.—

12 (1) ESTABLISHMENT.—There is established a
13 Settlement Commission.

14 (2) MEMBERS.—

15 (A) IN GENERAL.—The Settlement Com-
16 mission shall be comprised of 5 members, ap-
17 pointed as follows:

18 (i) 1 by the Governor of the State.

19 (ii) 1 by the Attorney General of the
20 State.

21 (iii) 1 by the Chief of the Choctaw
22 Nation.

23 (iv) 1 by the Governor of the Chicka-
24 saw Nation.

1 (v) 1 by agreement of the members
2 described in clauses (i) through (iv).

3 (B) JOINTLY APPOINTED MEMBER.—If the
4 members described in clauses (i) through (iv) of
5 subparagraph (A) do not agree on a member
6 appointed pursuant to subparagraph (A)(v)—

7 (i) the members shall submit to the
8 Chief Judge for the United States District
9 Court for the Eastern District of Okla-
10 homa, a list of not less than 3 persons;
11 and

12 (ii) from the list under clause (i), the
13 Chief Judge shall make the appointment.

14 (C) INITIAL APPOINTMENTS.—The initial
15 appointments to the Settlement Commission
16 shall be made not later than 90 days after the
17 enforceability date.

18 (3) MEMBER TERMS.—

19 (A) IN GENERAL.—Each Settlement Com-
20 mission member shall serve at the pleasure of
21 appointing authority.

22 (B) COMPENSATION.—A member of the
23 Settlement Commission shall serve without
24 compensation, but an appointing authority may
25 reimburse the member appointed by the entity

1 for costs associated with service on the Settle-
2 ment Commission.

3 (C) VACANCIES.—If a member of the Set-
4 tlement Commission is removed or resigns, the
5 appointing authority shall appoint the replace-
6 ment member.

7 (D) JOINTLY APPOINTED MEMBER.—The
8 member of the Settlement Commission de-
9 scribed in paragraph (2)(A)(v) may be removed
10 or replaced by a majority vote of the Settlement
11 Commission based on a failure of the member
12 to carry out the duties of the member.

13 (4) DUTIES.—The duties and authority of the
14 Settlement Commission shall be set forth in the Set-
15 tlement Agreement, and the Settlement Commission
16 shall not possess or exercise any duty or authority
17 not stated in the Settlement Agreement.

18 (h) WAIVERS AND RELEASES OF CLAIMS.—

19 (1) CLAIMS BY THE NATIONS AND THE UNITED
20 STATES AS TRUSTEE FOR THE NATIONS.—Subject to
21 the retention of rights and claims provided in para-
22 graph (3) and except to the extent that rights are
23 recognized in the Settlement Agreement or this sec-
24 tion, the Nations and the United States, acting as

1 a trustee for the Nations, shall execute a waiver and
2 release of—

3 (A) all of the following claims asserted or
4 which could have been asserted in any pro-
5 ceeding filed or that could have been filed dur-
6 ing the period ending on the enforceability date,
7 including Chickasaw Nation, Choctaw Nation v.
8 Fallin et al., CIV 11–927 (W.D. Ok.), OWRB
9 v. United States, et al. CIV 12–275 (W.D.
10 Ok.), or any general stream adjudication, relat-
11 ing to—

12 (i) claims to the ownership of water in
13 the State;

14 (ii) claims to water rights and rights
15 to use water diverted or taken from a loca-
16 tion within the State;

17 (iii) claims to authority over the allo-
18 cation and management of water and ad-
19 ministration of water rights, including au-
20 thority over third-party ownership of or
21 rights to use water diverted or taken from
22 a location within the State and ownership
23 or use of water on allotments by allottees
24 or any other person using water on an al-
25 lotment with the permission of an allottee;

1 (iv) claims that the State lacks au-
2 thority over the allocation and manage-
3 ment of water and administration of water
4 rights, including authority over the owner-
5 ship of or rights to use water diverted or
6 taken from a location within the State;

7 (v) any other claim relating to the
8 ownership of water, regulation of water, or
9 authorized diversion, storage, or use of
10 water diverted or taken from a location
11 within the State, which claim is based on
12 the status of the Chickasaw Nation or the
13 Choctaw Nation as a federally recognized
14 Indian tribe; and

15 (vi) claims or defenses asserted or
16 which could have been asserted in Chicka-
17 saw Nation, Choctaw Nation v. Fallin et
18 al., CIV 11-927 (W.D. Ok.), OWRB v.
19 United States, et al. CIV 12-275 (W.D.
20 Ok.), or any general stream adjudication;

21 (B) all claims for damages, losses or inju-
22 ries to water rights or water, or claims of inter-
23 ference with, diversion, storage, taking, or use
24 of water (including claims for injury to land re-
25 sulting from the damages, losses, injuries, inter-

1 ference with, diversion, storage, taking, or use
2 of water) attributable to any action by the
3 State, the OWRB, or any water user authorized
4 pursuant to State law to take or use water in
5 the State, including the City, that accrued dur-
6 ing the period ending on the enforceability date;

7 (C) all claims and objections relating to
8 the amended permit application, and the City
9 permit, including—

10 (i) all claims regarding regulatory
11 control over or OWRB jurisdiction relating
12 to the permit application and permit; and

13 (ii) all claims for damages, losses or
14 injuries to water rights or rights to use
15 water, or claims of interference with, diver-
16 sion, storage, taking, or use of water (in-
17 cluding claims for injury to land resulting
18 from the damages, losses, injuries, inter-
19 ference with, diversion, storage, taking, or
20 use of water) attributable to the issuance
21 and lawful exercise of the City permit;

22 (D) all claims to regulatory control over
23 the Permit Numbers P80–48 and 54–613 of
24 the City for water rights from the Muddy
25 Boggy River for Atoka Reservoir and P73–

1 282D for water rights from the Muddy Boggy
2 River, including McGee Creek, for the McGee
3 Creek Reservoir;

4 (E) all claims that the State lacks regu-
5 latory authority over or OWRB jurisdiction re-
6 lating to Permit Numbers P80–48 and 54–613
7 for water rights from the Muddy Boggy River
8 for Atoka Reservoir and P73–282D for water
9 rights from the Muddy Boggy River, including
10 McGee Creek, for the McGee Creek Reservoir;

11 (F) all claims to damages, losses or inju-
12 ries to water rights or water, or claims of inter-
13 ference with, diversion, storage, taking, or use
14 of water (including claims for injury to land re-
15 sulting from such damages, losses, injuries, in-
16 terference with, diversion, storage, taking, or
17 use of water) attributable to the lawful exercise
18 of Permit Numbers P80–48 and 54–613 for
19 water rights from the Muddy Boggy River for
20 Atoka Reservoir and P73–282D for water
21 rights from the Muddy Boggy River, including
22 McGee Creek, for the McGee Creek Reservoir,
23 that accrued during the period ending on the
24 enforceability date;

1 (G) all claims and objections relating to
2 the approval by the Secretary of the assignment
3 of the 1974 storage contract pursuant to the
4 amended storage contract; and

5 (H) all claims for damages, losses, or inju-
6 ries to water rights or water, or claims of inter-
7 ference with, diversion, storage, taking, or use
8 of water (including claims for injury to land re-
9 sulting from such damages, losses, injuries, in-
10 terference with, diversion, storage, taking, or
11 use of water) attributable to the lawful exercise
12 of rights pursuant to the amended storage con-
13 tract.

14 (2) WAIVERS AND RELEASES OF CLAIMS BY
15 THE NATIONS AGAINST THE UNITED STATES.—Sub-
16 ject to the retention of rights and claims provided in
17 paragraph (3) and except to the extent that rights
18 are recognized in the Settlement Agreement or this
19 section, the Nations are authorized to execute a
20 waiver and release of all claims against the United
21 States (including any agency or employee of the
22 United States) relating to—

23 (A) all of the following claims asserted or
24 which could have been asserted in any pro-
25 ceeding filed or that could have been filed by

1 the United States as a trustee during the pe-
2 riod ending on the enforceability date, including
3 Chickasaw Nation, Choctaw Nation v. Fallin et
4 al., CIV 11–9272 (W.D. Ok.) or OWRB v.
5 United States, et al. CIV 12–275 (W.D. Ok.),
6 or any general stream adjudication, relating
7 to—

8 (i) claims to the ownership of water in
9 the State;

10 (ii) claims to water rights and rights
11 to use water diverted or taken from a loca-
12 tion within the State;

13 (iii) claims to authority over the allo-
14 cation and management of water and ad-
15 ministration of water rights, including au-
16 thority over third-party ownership of or
17 rights to use water diverted or taken from
18 a location within the State and ownership
19 or use of water on allotments by allottees
20 or any other person using water on an al-
21 lotment with the permission of an allottee;

22 (iv) claims that the State lacks au-
23 thority over the allocation and manage-
24 ment of water and administration of water
25 rights, including authority over the owner-

1 ship of or rights to use water diverted or
2 taken from a location within the State;

3 (v) any other claim relating to the
4 ownership of water, regulation of water, or
5 authorized diversion, storage, or use of
6 water diverted or taken from a location
7 within the State, which claim is based on
8 the status of the Chickasaw Nation or the
9 Choctaw Nation as a federally recognized
10 Indian tribe; and

11 (vi) claims or defenses asserted or
12 which could have been asserted in Chicka-
13 saw Nation, Choctaw Nation v. Fallin et
14 al., CIV 11–927 (W.D. Ok.), OWRB v.
15 United States, et al. CIV 12–275 (W.D.
16 Ok.), or any general stream adjudication;

17 (B) all claims for damages, losses or inju-
18 ries to water rights or water, or claims of inter-
19 ference with, diversion, storage, taking, or use
20 of water (including claims for injury to land re-
21 sulting from the damages, losses, injuries, inter-
22 ference with, diversion, storage, taking, or use
23 of water) attributable to any action by the
24 State, the OWRB, or any water user authorized
25 pursuant to State law to take or use water in

1 the State, including the City, that accrued dur-
2 ing the period ending on the enforceability date;

3 (C) all claims and objections relating to
4 the amended permit application, and the City
5 permit, including—

6 (i) all claims regarding regulatory
7 control over or OWRB jurisdiction relating
8 to the permit application and permit; and

9 (ii) all claims for damages, losses or
10 injuries to water rights or rights to use
11 water, or claims of interference with, diver-
12 sion, storage, taking, or use of water (in-
13 cluding claims for injury to land resulting
14 from the damages, losses, injuries, inter-
15 ference with, diversion, storage, taking, or
16 use of water) attributable to the issuance
17 and lawful exercise of the City permit;

18 (D) all claims to regulatory control over
19 the Permit Numbers P80–48 and 54–613 for
20 water rights from the Muddy Boggy River for
21 Atoka Reservoir and P73–282D for water
22 rights from the Muddy Boggy River, including
23 McGee Creek, for the McGee Creek Reservoir;

24 (E) all claims that the State lacks regu-
25 latory authority over or OWRB jurisdiction re-

1 lating to Permit Numbers P80–48 and 54–613
2 for water rights from the Muddy Boggy River
3 for Atoka Reservoir and P73–282D for water
4 rights from the Muddy Boggy River, including
5 McGee Creek, for the McGee Creek Reservoir;

6 (F) all claims to damages, losses or inju-
7 ries to water rights or water, or claims of inter-
8 ference with, diversion, storage, taking, or use
9 of water (including claims for injury to land re-
10 sulting from the damages, losses, injuries, inter-
11 ference with, diversion, storage, taking, or use
12 of water) attributable to the lawful exercise of
13 Permit Numbers P80–48 and 54–613 for water
14 rights from the Muddy Boggy River for Atoka
15 Reservoir and P73–282D for water rights from
16 the Muddy Boggy River, including McGee
17 Creek, for the McGee Creek Reservoir, that ac-
18 crued during the period ending on the enforce-
19 ability date;

20 (G) all claims and objections relating to
21 the approval by the Secretary of the assignment
22 of the 1974 storage contract pursuant to the
23 amended storage contract;

24 (H) all claims relating to litigation brought
25 by the United States prior to the enforceability

1 date of the water rights of the Nations in the
2 State; and

3 (I) all claims relating to the negotiation,
4 execution, or adoption of the Settlement Agree-
5 ment (including exhibits) or this section.

6 (3) RETENTION AND RESERVATION OF CLAIMS
7 BY NATIONS AND THE UNITED STATES.—

8 (A) IN GENERAL.—Notwithstanding the
9 waiver and releases of claims authorized under
10 paragraphs (1) and (2), the Nations and the
11 United States, acting as trustee, shall retain—

12 (i) all claims for enforcement of the
13 Settlement Agreement and this section;

14 (ii) all rights to use and protect any
15 water right of the Nations recognized by or
16 established pursuant to the Settlement
17 Agreement, including the right to assert
18 claims for injuries relating to the rights
19 and the right to participate in any general
20 stream adjudication, including any inter se
21 proceeding;

22 (iii) all claims relating to activities af-
23 fecting the quality of water that are not
24 waived under paragraph (1)(A)(v) or para-

graph (2)(A)(v), including any claims the Nations may have under—

(I) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including for damages to natural resources;

(II) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(III) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(IV) any regulations implementing the Acts described in items (aa) through (cc);

(iv) all claims relating to damage, loss, or injury resulting from an unauthorized diversion, use, or storage of water, including damages, losses, or injuries to land or nonwater natural resources associated with any hunting, fishing, gathering, or cultural right; and

(v) all rights, remedies, privileges, immunities, and powers not specifically

1 waived and released pursuant to this sec-
2 tion or the Settlement Agreement.

3 (B) AGREEMENT.—

4 (i) IN GENERAL.—As provided in the
5 Settlement Agreement, the Chickasaw Na-
6 tion shall convey an easement to the City,
7 which easement shall be as described and
8 depicted in Exhibit 15 to the Settlement
9 Agreement.

10 (ii) APPLICATION.—The Chickasaw
11 Nation and the City shall cooperate and
12 coordinate on the submission of an applica-
13 tion for approval by the Secretary of the
14 Interior of the conveyance under clause (i),
15 in accordance with applicable Federal law.

16 (iii) RECORDING.—On approval by the
17 Secretary of the Interior of the conveyance
18 of the easement under this clause, the City
19 shall record the easement.

20 (iv) CONSIDERATION.—In exchange
21 for conveyance of the easement under
22 clause (i), the City shall pay to the Chicka-
23 saw Nation the value of past unauthorized
24 use and consideration for future use of the
25 land burdened by the easement, based on

1 an appraisal secured by the City and Na-
2 tions and approved by the Secretary of the
3 Interior.

4 (4) EFFECTIVE DATE OF WAIVER AND RE-
5 LEASES.—The waivers and releases under this sub-
6 section take effect on the enforceability date.

7 (5) TOLLING OF CLAIMS.—Each applicable pe-
8 riod of limitation and time-based equitable defense
9 relating to a claim described in this subsection shall
10 be tolled during the period beginning on the date of
11 enactment of this Act and ending on the earlier of
12 the enforceability date or the expiration date under
13 subsection (i)(2).

14 (i) ENFORCEABILITY DATE.—

15 (1) IN GENERAL.—The Settlement Agreement
16 shall take effect and be enforceable on the date on
17 which the Secretary of the Interior publishes in the
18 Federal Register a certification that—

19 (A) to the extent the Settlement Agree-
20 ment conflicts with this section, the Settlement
21 Agreement has been amended to conform with
22 this section;

23 (B) the Settlement Agreement, as amend-
24 ed, has been executed by the Secretary of the

1 Interior, the Nations, the Governor of the
2 State, the OWRB, the City, and the Trust;

3 (C) to the extent the amended storage con-
4 tract conflicts with this section, the amended
5 storage contract has been amended to conform
6 with this section;

7 (D) the amended storage contract, as
8 amended to conform with this section, has
9 been—

10 (i) executed by the State, the City,
11 and the Trust; and

12 (ii) approved by the Secretary;

13 (E) an order has been entered in United
14 States v. Oklahoma Water Resources Board,
15 Civ. 98–C–521–E with any modifications to the
16 order dated September 11, 2009, as provided in
17 the Settlement Agreement;

18 (F) orders of dismissal have been entered
19 in Chickasaw Nation, Choctaw Nation v. Fallin
20 et al., Civ 11–297 (W.D. Ok.) and OWRB v.
21 United States, et al. Civ 12–275 (W.D. Ok.) as
22 provided in the Settlement Agreement;

23 (G) the OWRB has issued the City Permit;

1 (H) the final documentation of the
2 Kiamichi Basin hydrologic model is on file at
3 the Oklahoma City offices of the OWRB; and

4 (I) the Atoka and Sardis Conservation
5 Projects Fund has been funded as provided in
6 the Settlement Agreement.

7 (2) EXPIRATION DATE.—If the Secretary of the
8 Interior fails to publish a statement of findings
9 under paragraph (1) by not later than September
10 30, 2020, or such alternative later date as is agreed
11 to by the Secretary of the Interior, the Nations, the
12 State, the City, and the Trust under paragraph (4),
13 the following shall apply:

14 (A) This section, except for this subsection
15 and any provisions of this section that are nec-
16 essary to carry out this subsection (but only for
17 purposes of carrying out this subsection) are
18 not effective beginning on September 30, 2020,
19 or the alternative date.

20 (B) The waivers and release of claims, and
21 the limited waivers of sovereign immunity, shall
22 not become effective.

23 (C) The Settlement Agreement shall be
24 null and void, except for this paragraph and

1 any provisions of the Settlement Agreement
2 that are necessary to carry out this paragraph.

3 (D) Except with respect to this paragraph,
4 the State, the Nations, the City, the Trust, and
5 the United States shall not be bound by any ob-
6 ligations or benefit from any rights recognized
7 under the Settlement Agreement.

8 (E) If the City permit has been issued, the
9 permit shall be null and void, except that the
10 City may resubmit to the OWRB, and the
11 OWRB shall be considered to have accepted,
12 OWRB permit application No. 2007–017 with-
13 out having waived the original application pri-
14 ority date and appropriative quantities.

15 (F) If the amended storage contract has
16 been executed or approved, the contract shall be
17 null and void, and the 2010 agreement shall be
18 considered to be in force and effect as between
19 the State and the Trust.

20 (G) If the Atoka and Sardis Conservation
21 Projects Fund has been established and funded,
22 the funds shall be returned to the respective
23 funding parties with any accrued interest.

1 (3) NO PREJUDICE.—The occurrence of the ex-
2 piration date under paragraph (2) shall not in any
3 way prejudice—

4 (A) any argument or suit that the Nations
5 may bring to contest—

6 (i) the pursuit by the City of OWRB
7 permit application No. 2007–017, or a
8 modified version; or

9 (ii) the 2010 agreement;

10 (B) any argument, defense, or suit the
11 State may bring or assert with regard to the
12 claims of the Nations to water or over water in
13 the settlement area; or

14 (C) any argument, defense or suit the City
15 may bring or assert—

16 (i) with regard to the claims of the
17 Nations to water or over water in the set-
18 tlement area relating to OWRB permit ap-
19 plication No. 2007–017, or a modified
20 version; or

21 (ii) to contest the 2010 agreement.

22 (4) EXTENSION.—The expiration date under
23 paragraph (2) may be extended in writing if the Na-
24 tions, the State, the OWRB, the United States, and
25 the City agree that an extension is warranted.

1 (j) JURISDICTION, WAIVERS OF IMMUNITY FOR IN-
2 TERPRETATION AND ENFORCEMENT.—

3 (1) JURISDICTION.—

4 (A) IN GENERAL.—

5 (i) EXCLUSIVE JURISDICTION.—The
6 United States District Court for the West-
7 ern District of Oklahoma shall have exclu-
8 sive jurisdiction for all purposes and for all
9 causes of action relating to the interpreta-
10 tion and enforcement of the Settlement
11 Agreement, the amended storage contract,
12 or interpretation or enforcement of this
13 section, including all actions filed by an al-
14 lottee pursuant to subsection (e)(4)(B).

15 (ii) RIGHT TO BRING ACTION.—The
16 Choctaw Nation, the Chickasaw Nation,
17 the State, the City, the Trust, and the
18 United States shall each have the right to
19 bring an action pursuant to this section.

20 (iii) NO ACTION IN OTHER COURTS.—
21 No action may be brought in any other
22 Federal, Tribal, or State court or adminis-
23 trative forum for any purpose relating to
24 the Settlement Agreement, amended stor-
25 age contract, or this section.

1 (iv) NO MONETARY JUDGMENT.—
2 Nothing in this section authorizes any
3 money judgment or otherwise allows the
4 payment of funds by the United States,
5 the Nations, the State (including the
6 OWRB), the City, or the Trust.

7 (B) NOTICE AND CONFERENCE.—An enti-
8 ty seeking to interpret or enforce the Settle-
9 ment Agreement shall comply with the fol-
10 lowing:

11 (i) Any party asserting noncompliance
12 or seeking interpretation of the Settlement
13 Agreement or this section shall first serve
14 written notice on the party alleged to be in
15 breach of the Settlement Agreement or vio-
16 lation of this section.

17 (ii) The notice under clause (i) shall
18 identify the specific provision of the Settle-
19 ment Agreement or this section alleged to
20 have been violated or in dispute and shall
21 specify in detail the contention of the party
22 asserting the claim and any factual basis
23 for the claim.

24 (iii) Representatives of the party al-
25 leging a breach or violation and the party

1 alleged to be in breach or violation shall
2 meet not later than 30 days after receipt
3 of notice under clause (i) in an effort to re-
4 solve the dispute.

5 (iv) If the matter is not resolved to
6 the satisfaction of the party alleging
7 breach not later than 90 days after the
8 original notice under clause (i), the party
9 may take any appropriate enforcement ac-
10 tion consistent with the Settlement Agree-
11 ment and this subsection.

12 (2) LIMITED WAIVERS OF SOVEREIGN IMMUN-
13 NITY.—

14 (A) IN GENERAL.—The United States and
15 the Nations may be joined in an action filed in
16 the United States District Court for the West-
17 ern District of Oklahoma.

18 (B) UNITED STATES IMMUNITY.—Any
19 claim by the United States to sovereign immu-
20 nity from suit is irrevocably waived for any ac-
21 tion brought by the State, the Chickasaw Na-
22 tion, the Choctaw Nation, the City, the Trust,
23 or (solely for purposes of actions brought pur-
24 suant to subsection (e)) an allottee in the West-
25 ern District of Oklahoma relating to interpreta-

tion or enforcement of the Settlement Agreement or this section, including of the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(C) CHICKASAW NATION IMMUNITY.—For the exclusive benefit of the State (including the OWRB), the City, the Trust, the Choctaw Nation, and the United States, the sovereign immunity of the Chickasaw Nation from suit is waived solely for any action brought in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, if the action is brought by the State or the OWRB, the City, the Trust, the Choctaw Nation, or the United States, including the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(D) CHOCTAW NATION IMMUNITY.—For the exclusive benefit of the State (including of the OWRB), the City, the Trust, the Chickasaw Nation, and the United States, the Choctaw Nation shall expressly and irrevocably consent

to a suit and waive sovereign immunity from a suit solely for any action brought in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, if the action is brought by the State, the OWRB, the City, the Trust, the Chickasaw Nation, or the United States, including the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(k) DISCLAIMER.—

(1) IN GENERAL.—The Settlement Agreement applies only to the claims and rights of the Nations.

(2) NO PRECEDENT.—Nothing in this section or the Settlement Agreement shall be construed in any way to quantify, establish, or serve as precedent regarding the land and water rights, claims, or entitlements to water of any American Indian Tribe other than the Nations, including any other American Indian Tribe in the State.

SEC. 8003. LAND TRANSFER AND TRUST LAND FOR THE MUSCOGEE (CREEK) NATION.

(a) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and for the consideration described in subsection (c),

1 the Secretary shall transfer to the Secretary of the
2 Interior the land described in subsection (b) to be
3 held in trust for the benefit of the Muscogee (Creek)
4 Nation.

5 (2) CONDITIONS.—The land transfer under this
6 subsection shall be subject to the following condi-
7 tions:

8 (A) The transfer—

9 (i) shall not interfere with the Corps
10 of Engineers operation of the Eufaula
11 Lake Project or any other authorized civil
12 works projects; and

13 (ii) shall be subject to such other
14 terms and conditions as the Secretary de-
15 termines to be necessary and appropriate
16 to ensure the continued operation of the
17 Eufaula Lake Project or any other author-
18 ized civil works project.

19 (B) The Secretary shall retain the right to
20 inundate with water the land transferred to the
21 Secretary of the Interior under this subsection,
22 as necessary to carry out an authorized purpose
23 of the Eufaula Lake Project or any other civil
24 works project.

1 (C) No gaming activities may be conducted
2 on the land transferred under this subsection.

3 (b) LAND DESCRIPTION.—

4 (1) IN GENERAL.—The land to be transferred
5 pursuant to subsection (a) is the approximately
6 18.38 acres of land located in the Northwest Quar-
7 ter (NW 1/4) of sec. 3, T. 10 N., R. 16 E.,
8 McIntosh County, Oklahoma, generally depicted as
9 “USACE” on the map entitled “Muscogee (Creek)
10 Nation Proposed Land Acquisition” and dated Octo-
11 ber 16, 2014.

12 (2) SURVEY.—The exact acreage and legal de-
13 scription of the land to be transferred under sub-
14 section (a) shall be determined by a survey satisfac-
15 tory to the Secretary and the Secretary of the Inte-
16 rior.

17 (c) CONSIDERATION.—The Muscogee (Creek) Nation
18 shall pay—

19 (1) to the Secretary an amount that is equal to
20 the fair market value of the land transferred under
21 subsection (a), as determined by the Secretary,
22 which funds may be accepted and expended by the
23 Secretary; and

(2) all costs and administrative expenses associated with the transfer of land under subsection (a), including the costs of—

(A) the survey under subsection (b)(2);

(B) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any coordination necessary with respect to requirements related to endangered species, cultural resources, clean water, and clean air.

SEC. 8004. REAUTHORIZATION OF DENALI COMMISSION.

(a) ADMINISTRATION.—Section 303 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking “The Federal Cochairperson” and inserting the following:

“(1) TERM OF FEDERAL COCHAIRPERSON.—
The Federal Cochairperson”;

(B) in the second sentence, by striking “All other members” and inserting the following:

1 “(3) TERM OF ALL OTHER MEMBERS.—All
2 other members”;

3 (C) in the third sentence, by striking “Any
4 vacancy” and inserting the following:

5 “(4) VACANCIES.—Except as provided in para-
6 graph (2), any vacancy”; and

7 (D) by inserting before paragraph (3) (as
8 designated by subparagraph (B)) the following:

9 “(2) INTERIM FEDERAL COCHAIRPERSON.—In
10 the event of a vacancy for any reason in the position
11 of Federal Cochairperson, the Secretary may appoint
12 an Interim Federal Cochairperson, who shall have
13 all the authority of the Federal Cochairperson, to
14 serve until such time as the vacancy in the position
15 of Federal Cochairperson is filled in accordance with
16 subsection (b)(2)).”; and

17 (2) by adding at the end the following:

18 “(f) NO FEDERAL EMPLOYEE STATUS.—No member
19 of the Commission, other than the Federal Cochairperson,
20 shall be considered to be a Federal employee for any pur-
21 pose.

22 “(g) CONFLICTS OF INTEREST.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graphs (2) and (3), no member of the Commission
25 (referred to in this subsection as a ‘member’) shall

1 participate personally or substantially, through deci-
2 sion, approval, disapproval, recommendation, the
3 rendering of advice, investigation, or otherwise, in
4 any proceeding, application, request for a ruling or
5 other determination, contract claim, controversy, or
6 other matter in which, to the knowledge of the mem-
7 ber, 1 or more of the following has a direct financial
8 interest:

9 “(A) The member.

10 “(B) The spouse, minor child, or partner
11 of the member.

12 “(C) An organization described in subpara-
13 graph (B), (C), (D), (E), or (F) of subsection
14 (b)(1) for which the member is serving as offi-
15 cer, director, trustee, partner, or employee.

16 “(D) Any individual, person, or organiza-
17 tion with which the member is negotiating or
18 has any arrangement concerning prospective
19 employment.

20 “(2) DISCLOSURE.—Paragraph (1) shall not
21 apply if the member—

22 “(A) immediately advises the designated
23 agency ethics official for the Commission of the
24 nature and circumstances of the matter pre-
25 senting a potential conflict of interest;

1 “(B) makes full disclosure of the financial
2 interest; and

3 “(C) before the proceeding concerning the
4 matter presenting the conflict of interest, re-
5 ceives a written determination by the des-
6 ignated agency ethics official for the Commis-
7 sion that the interest is not so substantial as to
8 be likely to affect the integrity of the services
9 that the Commission may expect from the mem-
10 ber.

11 “(3) ANNUAL DISCLOSURES.—Once per cal-
12 endar year, each member shall make full disclosure
13 of financial interests, in a manner to be determined
14 by the designated agency ethics official for the Com-
15 mission.

16 “(4) TRAINING.—Once per calendar year, each
17 member shall undergo disclosure of financial inter-
18 ests training, as prescribed by the designated agency
19 ethics official for the Commission.

20 “(5) VIOLATION.—Any person that violates this
21 subsection shall be fined not more than \$10,000, im-
22 prisoned for not more than 2 years, or both.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) IN GENERAL.—Section 310 of the Denali
25 Commission Act of 1998 (42 U.S.C. 3121 note;

1 Public Law 105–277) (as redesignated by section
 2 1960(1) of SAFETEA–LU (Public Law 109–59;
 3 119 Stat. 1516)) is amended, in subsection (a), by
 4 striking “under section 4 under this Act” and all
 5 that follows through “2008” and inserting “under
 6 section 304, \$20,000,000 for fiscal year 2017, and
 7 such sums as are necessary for each of fiscal years
 8 2018 through 2021.”.

9 (2) CLERICAL AMENDMENT.—Section 310 of
 10 the Denali Commission Act of 1998 (42 U.S.C.
 11 3121 note; Public Law 105–277) (as redesignated
 12 by section 1960(1) of SAFETEA–LU (Public Law
 13 109–59; 119 Stat. 1516)) is redesignated as section
 14 312.

15 **SEC. 8005. RECREATIONAL ACCESS OF FLOATING CABINS.**

16 The Tennessee Valley Authority Act of 1933 is
 17 amended by inserting after section 9a (16 U.S.C. 831h–
 18 1) the following:

19 **“SEC. 9b. RECREATIONAL ACCESS.**

20 “(a) DEFINITION OF FLOATING CABIN.—In this sec-
 21 tion, the term ‘floating cabin’ means a watercraft or other
 22 floating structure—

23 “(1) primarily designed and used for human
 24 habitation or occupation; and

1 “(2) not primarily designed or used for naviga-
2 tion or transportation on water.

3 “(b) RECREATIONAL ACCESS.—The Board may allow
4 the use of a floating cabin if—

5 “(1) the floating cabin is maintained by the
6 owner to reasonable health, safety, and environ-
7 mental standards, as required by the Board;

8 “(2) the Corporation has authorized the use of
9 recreational vessels on the waters; and

10 “(3) the floating cabin was located on waters
11 under the jurisdiction of the Corporation as of the
12 date of enactment of this section.

13 “(c) FEES.—The Board may assess fees on the owner
14 of a floating cabin on waters under the jurisdiction of the
15 Corporation for the purpose of ensuring compliance with
16 subsection (b) if the fees are necessary and reasonable for
17 those purposes.

18 “(d) CONTINUED RECREATIONAL USE.—

19 “(1) IN GENERAL.—With respect to a floating
20 cabin located on waters under the jurisdiction of the
21 Corporation on the date of enactment of this section,
22 the Board—

23 “(A) may not require the removal of the
24 floating cabin—

1 “(i) in the case of a floating cabin
2 that was granted a permit by the Corpora-
3 tion before the date of enactment of this
4 section, for a period of 15 years beginning
5 on that date of enactment; and

6 “(ii) in the case of a floating cabin
7 not granted a permit by the Corporation
8 before the date of enactment of this sec-
9 tion, for a period of 5 years beginning on
10 that date of enactment; and

11 “(B) shall approve and allow the use of the
12 floating cabin on waters under the jurisdiction
13 of the Corporation at such time and for such
14 duration as—

15 “(i) the floating cabin meets the re-
16 quirements of subsection (b); and

17 “(ii) the owner of the floating cabin
18 has paid any fee assessed pursuant to sub-
19 section (c).

20 “(2) SAVINGS PROVISIONS.—

21 “(A) Nothing in this subsection restricts
22 the ability of the Corporation to enforce health,
23 safety, or environmental standards.

1 “(B) This section applies only to floating
2 cabins located on waters under the jurisdiction
3 of the Corporation.

4 “(e) NEW CONSTRUCTION.—The Corporation may
5 establish regulations to prevent the construction of new
6 floating cabins.”.

7 **SEC. 8006. REGULATION OF ABOVEGROUND STORAGE AT**
8 **FARMS.**

9 Section 1049(c) of the Water Resources Reform and
10 Development Act of 2014 (33 U.S.C. 1361 note; Public
11 Law 113–121) is amended—

12 (1) by redesignating paragraphs (1) and (2) as
13 subparagraphs (A) and (B), respectively, and indent-
14 ing appropriately;

15 (2) by striking the subsection designation and
16 heading and all that follows through “subsection
17 (b),” and inserting the following:

18 “(c) REGULATION OF ABOVEGROUND STORAGE AT
19 FARMS.—

20 “(1) CALCULATION OF AGGREGATE ABOVE-
21 GROUND STORAGE CAPACITY.—For purposes of sub-
22 section (b),”; and

23 (3) by adding at the end the following:

24 “(2) CERTAIN FARM CONTAINERS.—Part 112
25 of title 40, Code of Federal Regulations (or suc-

cessor regulations), shall not apply to the following
containers located at a farm:

“(A) Containers on a separate parcel that
have—

“(i) an individual capacity of not
greater than 1,000 gallons; and

“(ii) an aggregate capacity of not
greater than 2,000 gallons.

“(B) A container holding animal feed ingredients approved for use in livestock feed by the Commissioner of Food and Drugs.”.

SEC. 8007. SALT CEDAR REMOVAL PERMIT REVIEWS.

(a) IN GENERAL.—In the case of an application for a permit for the mechanized removal of salt cedar from an area that consists of not more than 500 acres—

(1) any review by the Secretary under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 10 of the Act of March 3, 1899 (commonly known as the “Rivers and Harbors Appropriation Act of 1899”) (33 U.S.C. 403), and any review by the Director of the United States Fish and Wildlife Service (referred to in this section as the “Director”) under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), shall, to the maximum extent practicable, occur concurrently;

(2) all participating and cooperating agencies shall, to the maximum extent practicable, adopt and use any environmental document prepared by the lead agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to the same extent that a Federal agency could adopt or use a document prepared by another Federal agency under—

(A) that Act; and

(B) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations); and

(3) the review of the application shall, to the maximum extent practicable, be completed not later than the date on which the Secretary, in consultation with, and with the concurrence of, the Director, establishes.

(b) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds received from non-Federal public or private entities to conduct a review referred to in subsection (a).

(c) LIMITATIONS.—Nothing in this section preempts or interferes with—

(1) any obligation to comply with the provisions of any Federal law, including—

1 (A) the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.); and

3 (B) any other Federal environmental law;
4 (2) the reviewability of any final Federal agency
5 action in a court of the United States or in the court
6 of any State;

7 (3) any requirement for seeking, considering, or
8 responding to public comment; or

9 (4) any power, jurisdiction, responsibility, duty,
10 or authority that a Federal, State, or local govern-
11 mental agency, Indian tribe, or project sponsor has
12 with respect to carrying out a project or any other
13 provision of law applicable to projects.

14 **SEC. 8008. INTERNATIONAL OUTFALL INTERCEPTOR RE-**
15 **PAIR, OPERATIONS, AND MAINTENANCE.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that, pursuant to the Act of July 27, 1953 (22
18 U.S.C. 277d–10 et seq.), and notwithstanding the memo-
19 randum of agreement between the United States Section
20 of the International Boundary and Water Commission and
21 the City of Nogales, Arizona, dated January 20, 2006 (re-
22 ferred to in this section as the “Agreement”), an equitable
23 proportion of the costs of operation and maintenance of
24 the Nogales sanitation project to be contributed by the
25 City of Nogales, Arizona (referred to in this section as

1 the “City”), should be based on the average daily volume
2 of wastewater originating from the City.

3 (b) CAPITAL COSTS EXCLUDED.—Pursuant to the
4 Agreement and the Act of July 27, 1953 (22 U.S.C.
5 277d–10 et seq.), the City shall have no obligation to con-
6 tribute to any capital costs of repairing or upgrading the
7 Nogales sanitation project.

8 (c) OVERCHARGES.—Notwithstanding the Agreement
9 and subject to subsection (d), the United States Section
10 of the International Boundary and Water Commission
11 shall reimburse the City for, and shall not charge the City
12 after the date of enactment of this Act for, operations and
13 maintenance costs in excess of an equitable proportion of
14 the costs, as described in subsection (a).

15 (d) LIMITATION.—Costs reimbursed or a reduction in
16 costs charged under subsection (c) shall not exceed
17 \$4,000,000.

18 **SEC. 8009. PECHANGA BAND OF LUISEÑO MISSION INDIANS**

19 **WATER RIGHTS SETTLEMENT.**

20 (a) PURPOSES.—The purposes of this section are—

21 (1) to achieve a fair, equitable, and final settle-
22 ment of claims to water rights and certain claims for
23 injuries to water rights in the Santa Margarita
24 River Watershed for—

25 (A) the Band; and

1 (B) the United States, acting in its capac-
2 ity as trustee for the Band and Allottees;

3 (2) to achieve a fair, equitable, and final settle-
4 ment of certain claims by the Band and Allottees
5 against the United States;

6 (3) to authorize, ratify, and confirm the
7 Pechanga Settlement Agreement to be entered into
8 by the Band, RCWD, and the United States;

9 (4) to authorize and direct the Secretary—

10 (A) to execute the Pechanga Settlement
11 Agreement; and

12 (B) to take any other action necessary to
13 carry out the Pechanga Settlement Agreement
14 in accordance with this section; and

15 (5) to authorize the appropriation of amounts
16 necessary for the implementation of the Pechanga
17 Settlement Agreement and this section.

18 (b) DEFINITIONS.—In this section:

19 (1) ADJUDICATION COURT.—The term “Adju-
20 dication Court” means the United States District
21 Court for the Southern District of California, which
22 exercises continuing jurisdiction over the Adjudica-
23 tion Proceeding.

24 (2) ADJUDICATION PROCEEDING.—The term
25 “Adjudication Proceeding” means litigation initiated

1 by the United States regarding relative water rights
2 in the Santa Margarita River Watershed in United
3 States v. Fallbrook Public Utility District et al., Civ.
4 No. 3:51-cv-01247 (S.D.C.A.), including any litigation
5 initiated to interpret or enforce the relative
6 water rights in the Santa Margarita River Watershed
7 pursuant to the continuing jurisdiction of the
8 Adjudication Court over the Fallbrook Decree.

9 (3) ALLOTTEE.—The term “Allottee” means an
10 individual who holds a beneficial real property interest
11 in an Indian allotment that is—

12 (A) located within the Reservation; and

13 (B) held in trust by the United States.

14 (4) BAND.—The term “Band” means Pechanga
15 Band of Luiseño Mission Indians, a federally recognized
16 sovereign Indian tribe that functions as a custom and
17 tradition Indian tribe, acting on behalf of
18 itself and its members, but not acting on behalf of
19 members in their capacities as Allottees.

20 (5) CLAIMS.—The term “claims” means rights,
21 claims, demands, actions, compensation, or causes of
22 action, whether known or unknown.

23 (6) EMWD.—The term “EMWD” means Eastern
24 Municipal Water District, a municipal water district
25 organized and existing in accordance with the

1 Municipal Water District Law of 1911, Division 20
2 of the Water Code of the State of California, as
3 amended.

4 (7) EMWD CONNECTION FEE.—The term
5 “EMWD Connection Fee” has the meaning set forth
6 in the Extension of Service Area Agreement.

7 (8) ENFORCEABILITY DATE.—The term “en-
8 forceability date” means the date on which the Sec-
9 retary publishes in the Federal Register the state-
10 ment of findings described in subsection (f)(5).

11 (9) ESAA CAPACITY AGREEMENT.—The term
12 “ESAA Capacity Agreement” means the “Agree-
13 ment to Provide Capacity for Delivery of ESAA
14 Water”, among the Band, RCWD and the United
15 States.

16 (10) ESAA WATER.—The term “ESAA Water”
17 means imported potable water that the Band re-
18 ceives from EMWD and MWD pursuant to the Ex-
19 tension of Service Area Agreement and delivered by
20 RCWD pursuant to the ESAA Water Delivery
21 Agreement.

22 (11) ESAA WATER DELIVERY AGREEMENT.—
23 The term “ESAA Water Delivery Agreement”
24 means the agreement among EMWD, RCWD, and

1 the Band, establishing the terms and conditions of
2 water service to the Band.

3 (12) EXTENSION OF SERVICE AREA AGREE-
4 MENT.—The term “Extension of Service Area
5 Agreement” means the “Agreement for Extension of
6 Existing Service Area”, among the Band, EMWD,
7 and MWD, for the provision of water service by
8 EMWD to a designated portion of the Reservation
9 using water supplied by MWD.

10 (13) FALLBROOK DECREE.—

11 (A) IN GENERAL.—The term “Fallbrook
12 Decree” means the “Modified Final Judgment
13 And Decree”, entered in the Adjudication Pro-
14 ceeding on April 6, 1966.

15 (B) INCLUSIONS.—The term “Fallbrook
16 Decree” includes all court orders, interlocutory
17 judgments, and decisions supplemental to the
18 “Modified Final Judgment And Decree”, in-
19 cluding Interlocutory Judgment No. 30, Inter-
20 locutory Judgment No. 35, and Interlocutory
21 Judgment No. 41.

22 (14) FUND.—The term “Fund” means the
23 Pechanga Settlement Fund established by subsection
24 (h).

1 (15) INDIAN TRIBE.—The term “Indian tribe”
2 has the meaning given the term in section 4 of the
3 Indian Self-Determination and Education Assistance
4 Act (25 U.S.C. 5304).

5 (16) INJURY TO WATER RIGHTS.—The term
6 “injury to water rights” means an interference with,
7 diminution of, or deprivation of water rights under
8 Federal or State law.

9 (17) INTERIM CAPACITY.—The term “Interim
10 Capacity” has the meaning set forth in the ESAA
11 Capacity Agreement.

12 (18) INTERIM CAPACITY NOTICE.—The term
13 “Interim Capacity Notice” has the meaning set
14 forth in the ESAA Capacity Agreement.

15 (19) INTERLOCUTORY JUDGMENT NO. 41.—The
16 term “Interlocutory Judgment No. 41” means Inter-
17 locutory Judgment No. 41 issued in the Adjudica-
18 tion Proceeding on November 8, 1962, including all
19 court orders, judgments and decisions supplemental
20 to that interlocutory judgment.

21 (20) MWD.—The term “MWD” means the
22 Metropolitan Water District of Southern California,
23 a metropolitan water district organized and incor-
24 porated under the Metropolitan Water District Act

1 of the State of California (Stats. 1969, Chapter 209,
2 as amended).

3 (21) MWD CONNECTION FEE.—The term
4 “MWD Connection Fee” has the meaning set forth
5 in the Extension of Service Area Agreement.

6 (22) PECHANGA ESAA DELIVERY CAPACITY AC-
7 COUNT.—The term “Pechanga ESAA Delivery Ca-
8 pacity account” means the account established by
9 subsection (h)(3)(B).

10 (23) PECHANGA RECYCLED WATER INFRA-
11 STRUCTURE ACCOUNT.—The term “Pechanga Recy-
12 cled Water Infrastructure account” means the ac-
13 count established by subsection (h)(3)(A).

14 (24) PECHANGA SETTLEMENT AGREEMENT.—
15 The term “Pechanga Settlement Agreement” means
16 the Pechanga Settlement Agreement, dated June 17,
17 2014, together with the exhibits to that agreement,
18 entered into by the Band, the United States on be-
19 half of the Band, its members and Allottees, MWD,
20 EMWD, and RCWD, including—

21 (A) the Extension of Service Area Agree-
22 ment;

23 (B) the ESAA Capacity Agreement; and

24 (C) the ESAA Water Delivery Agreement.

1 (25) PECHANGA WATER CODE.—The term
 2 “Pechanga Water Code” means a water code to be
 3 adopted by the Band in accordance with subsection
 4 (d)(6).

5 (26) PECHANGA WATER FUND ACCOUNT.—The
 6 term “Pechanga Water Fund account” means the
 7 account established by subsection (h)(3)(C).

8 (27) PECHANGA WATER QUALITY ACCOUNT.—
 9 The term “Pechanga Water Quality account” means
 10 the account established by subsection (h)(3)(D).

11 (28) PERMANENT CAPACITY.—The term “Per-
 12 manent Capacity” has the meaning set forth in the
 13 ESAA Capacity Agreement.

14 (29) PERMANENT CAPACITY NOTICE.—The
 15 term “Permanent Capacity Notice” has the meaning
 16 set forth in the ESAA Capacity Agreement.

17 (30) RCWD.—

18 (A) IN GENERAL.—The term “RCWD”
 19 means the Rancho California Water District or-
 20 ganized pursuant to section 34000 et seq. of
 21 the California Water Code.

22 (B) INCLUSIONS.—The term “RCWD” in-
 23 cludes all real property owners for whom
 24 RCWD acts as an agent pursuant to an agency
 25 agreement.

1 (31) RECYCLED WATER INFRASTRUCTURE
 2 AGREEMENT.—The term “Recycled Water Infra-
 3 structure Agreement” means the “Agreement for
 4 Recycled Water Infrastructure” among the Band,
 5 RCWD, and the United States.

6 (32) RECYCLED WATER TRANSFER AGREE-
 7 MENT.—The term “Recycled Water Transfer Agree-
 8 ment” means the “Recycled Water Transfer Agree-
 9 ment” between the Band and RCWD.

10 (33) RESERVATION.—

11 (A) IN GENERAL.—The term “Reserva-
 12 tion” means the land depicted on the map at-
 13 tached to the Pechanga Settlement Agreement
 14 as Exhibit I.

15 (B) APPLICABILITY OF TERM.—The term
 16 “Reservation” shall be used solely for the pur-
 17 poses of the Pechanga Settlement Agreement,
 18 this section, and any judgment or decree issued
 19 by the Adjudication Court approving the
 20 Pechanga Settlement Agreement.

21 (34) SANTA MARGARITA RIVER WATERSHED.—
 22 The term “Santa Margarita River Watershed”
 23 means the watershed that is the subject of the Adju-
 24 dication Proceeding and the Fallbrook Decree.

1 (35) SECRETARY.—The term “Secretary”
2 means the Secretary of the Interior.

3 (36) STATE.—The term “State” means the
4 State of California.

5 (37) STORAGE POND.—The term “Storage
6 Pond” has the meaning set forth in the Recycled
7 Water Infrastructure Agreement.

8 (38) TRIBAL WATER RIGHT.—The term “Tribal
9 Water Right” means the water rights ratified, con-
10 firmed, and declared to be valid for the benefit of
11 the Band and Allottees, as set forth and described
12 in subsection (d).

13 (c) APPROVAL OF THE PECHANGA SETTLEMENT
14 AGREEMENT.—

15 (1) RATIFICATION OF PECHANGA SETTLEMENT
16 AGREEMENT.—

17 (A) IN GENERAL.—Except as modified by
18 this section, and to the extent that the
19 Pechanga Settlement Agreement does not con-
20 flict with this section, the Pechanga Settlement
21 Agreement is authorized, ratified, and con-
22 firmed.

23 (B) AMENDMENTS.—Any amendment to
24 the Pechanga Settlement Agreement is author-
25 ized, ratified, and confirmed, to the extent that

1 the amendment is executed to make the
2 Pechanga Settlement Agreement consistent with
3 this section.

4 (2) EXECUTION OF PECHANGA SETTLEMENT
5 AGREEMENT.—

6 (A) IN GENERAL.—To the extent that the
7 Pechanga Settlement Agreement does not con-
8 flict with this section, the Secretary is directed
9 to and promptly shall execute—

10 (i) the Pechanga Settlement Agree-
11 ment (including any exhibit to the
12 Pechanga Settlement Agreement requiring
13 the signature of the Secretary); and

14 (ii) any amendment to the Pechanga
15 Settlement Agreement necessary to make
16 the Pechanga Settlement Agreement con-
17 sistent with this section.

18 (B) MODIFICATIONS.—Nothing in this sec-
19 tion precludes the Secretary from approving
20 modifications to exhibits to the Pechanga Set-
21 tlement Agreement not inconsistent with this
22 section, to the extent those modifications do not
23 otherwise require congressional approval pursu-
24 ant to section 2116 of the Revised Statutes (25
25 U.S.C. 177) or other applicable Federal law.

1 (3) ENVIRONMENTAL COMPLIANCE.—

2 (A) IN GENERAL.—In implementing the
3 Pechanga Settlement Agreement, the Secretary
4 shall promptly comply with all applicable re-
5 quirements of—

6 (i) the National Environmental Policy
7 Act of 1969 (42 U.S.C. 4321 et seq.);

8 (ii) the Endangered Species Act of
9 1973 (16 U.S.C. 1531 et seq.);

10 (iii) all other applicable Federal envi-
11 ronmental laws; and

12 (iv) all regulations promulgated under
13 the laws described in clauses (i) through
14 (iii).

15 (B) EXECUTION OF THE PECHANGA SET-
16 TLEMENT AGREEMENT.—

17 (i) IN GENERAL.—Execution of the
18 Pechanga Settlement Agreement by the
19 Secretary under this subsection shall not
20 constitute a major Federal action under
21 the National Environmental Policy Act of
22 1969 (42 U.S.C. 4321 et seq.).

23 (ii) COMPLIANCE.—The Secretary is
24 directed to carry out all Federal compli-

1 ance necessary to implement the Pechanga
2 Settlement Agreement.

3 (C) LEAD AGENCY.—The Bureau of Rec-
4 lamation shall be designated as the lead agency
5 with respect to environmental compliance.

6 (d) TRIBAL WATER RIGHT.—

7 (1) INTENT OF CONGRESS.—It is the intent of
8 Congress to provide to each Allottee benefits that
9 are equal to or exceed the benefits Allottees possess
10 as of the date of enactment of this section, taking
11 into consideration—

12 (A) the potential risks, cost, and time
13 delay associated with litigation that would be
14 resolved by the Pechanga Settlement Agreement
15 and this section;

16 (B) the availability of funding under this
17 section;

18 (C) the availability of water from the Trib-
19 al Water Right and other water sources as set
20 forth in the Pechanga Settlement Agreement;
21 and

22 (D) the applicability of section 7 of the Act
23 of February 8, 1887 (25 U.S.C. 381), and this
24 section to protect the interests of Allottees.

1 (2) CONFIRMATION OF TRIBAL WATER
2 RIGHT.—

3 (A) IN GENERAL.—A Tribal Water Right
4 of up to 4,994 acre-feet of water per year that,
5 under natural conditions, is physically available
6 on the Reservation is confirmed in accordance
7 with the Findings of Fact and Conclusions of
8 Law set forth in Interlocutory Judgment No.
9 41, as affirmed by the Fallbrook Decree.

10 (B) USE.—Subject to the terms of the
11 Pechanga Settlement Agreement, this section,
12 the Fallbrook Decree and applicable Federal
13 law, the Band may use the Tribal Water Right
14 for any purpose on the Reservation.

15 (3) HOLDING IN TRUST.—The Tribal Water
16 Right, as set forth in paragraph (2), shall—

17 (A) be held in trust by the United States
18 on behalf of the Band and the Allottees in ac-
19 cordance with this subsection;

20 (B) include the priority dates described in
21 Interlocutory Judgment No. 41, as affirmed by
22 the Fallbrook Decree; and

23 (C) not be subject to forfeiture or aban-
24 donment.

25 (4) ALLOTTEES.—

1 (A) APPLICABILITY OF ACT OF FEBRUARY
2 8, 1887.—The provisions of section 7 of the Act
3 of February 8, 1887 (25 U.S.C. 381), relating
4 to the use of water for irrigation purposes shall
5 apply to the Tribal Water Right.

6 (B) ENTITLEMENT TO WATER.—Any enti-
7 tlement to water of allotted land located within
8 the exterior boundaries of the Reservation
9 under Federal law shall be satisfied from the
10 Tribal Water Right.

11 (C) ALLOCATIONS.—Allotted land located
12 within the exterior boundaries of the Reserva-
13 tion shall be entitled to a just and equitable al-
14 location of water for irrigation and domestic
15 purposes from the Tribal Water Right.

16 (D) EXHAUSTION OF REMEDIES.—Before
17 asserting any claim against the United States
18 under section 7 of the Act of February 8, 1887
19 (25 U.S.C. 381), or any other applicable law,
20 an Allottee shall exhaust remedies available
21 under the Pechanga Water Code or other appli-
22 cable tribal law.

23 (E) CLAIMS.—Following exhaustion of
24 remedies available under the Pechanga Water
25 Code or other applicable tribal law, an Allottee

1 may seek relief under section 7 of the Act of
2 February 8, 1887 (25 U.S.C. 381), or other ap-
3 plicable law.

4 (F) AUTHORITY.—The Secretary shall
5 have the authority to protect the rights of
6 Allottees as specified in this subsection.

7 (5) AUTHORITY OF BAND.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), the Band shall have author-
10 ity to use, allocate, distribute, and lease the
11 Tribal Water Right on the Reservation in ac-
12 cordance with—

13 (i) the Pechanga Settlement Agree-
14 ment; and

15 (ii) applicable Federal law.

16 (B) LEASES BY ALLOTTEES.—

17 (i) IN GENERAL.—An Allottee may
18 lease any interest in land held by the Allot-
19 tee, together with any water right deter-
20 mined to be appurtenant to that interest in
21 land.

22 (ii) WATER RIGHT APPURTENANT.—
23 Any water right determined to be appur-
24 tenant to an interest in land leased by an
25 Allottee shall be used on the Reservation.

1 (6) PECHANGA WATER CODE.—

2 (A) IN GENERAL.—Not later than 18
3 months after the enforceability date, the Band
4 shall enact a Pechanga Water Code, that pro-
5 vides for—

6 (i) the management, regulation, and
7 governance of all uses of the Tribal Water
8 Right in accordance with the Pechanga
9 Settlement Agreement; and

10 (ii) establishment by the Band of con-
11 ditions, permit requirements, and other
12 limitations relating to the storage, recov-
13 ery, and use of the Tribal Water Right in
14 accordance with the Pechanga Settlement
15 Agreement.

16 (B) INCLUSIONS.—The Pechanga Water
17 Code shall provide—

18 (i) that allocations of water to
19 Allottees shall be satisfied with water from
20 the Tribal Water Right;

21 (ii) that charges for delivery of water
22 for irrigation purposes for Allottees shall
23 be assessed in accordance with section 7 of
24 the Act of February 8, 1887 (25 U.S.C.
25 381);

1 (iii) a process by which an Allottee (or
2 any successor in interest to an Allottee)
3 may request that the Band provide water
4 for irrigation or domestic purposes in ac-
5 cordance with this section;

6 (iv) a due process system for the con-
7 sideration and determination by the Band
8 of any request by an Allottee (or any suc-
9 cessor in interest to an Allottee) for an al-
10 location of such water for irrigation or do-
11 mestic purposes on allotted land, including
12 a process for—

13 (I) appeal and adjudication of
14 any denied or disputed distribution of
15 water; and

16 (II) resolution of any contested
17 administrative decision; and

18 (v) a requirement that any Allottee
19 (or any successor in interest to an Allottee)
20 with a claim relating to the enforcement of
21 rights of the Allottee (or any successor in
22 interest to an Allottee) under the
23 Pechanga Water Code or relating to the
24 amount of water allocated to land of the
25 Allottee must first exhaust remedies avail-

1 able to the Allottee under tribal law and
2 the Pechanga Water Code before initiating
3 an action against the United States or pe-
4 titioning the Secretary pursuant to para-
5 graph (4)(D).

6 (C) ACTION BY SECRETARY.—

7 (i) IN GENERAL.—The Secretary shall
8 administer the Tribal Water Right until
9 the Pechanga Water Code is enacted and
10 approved under this subsection.

11 (ii) APPROVAL.—Any provision of the
12 Pechanga Water Code and any amendment
13 to the Pechanga Water Code that affects
14 the rights of Allottees—

15 (I) shall be subject to the ap-
16 proval of the Secretary; and

17 (II) shall not be valid until ap-
18 proved by the Secretary.

19 (iii) APPROVAL PERIOD.—The Sec-
20 retary shall approve or disapprove the
21 Pechanga Water Code within a reasonable
22 period of time after the date on which the
23 Band submits the Pechanga Water Code to
24 the Secretary for approval.

1 (7) EFFECT.—Except as otherwise specifically
2 provided in this section, nothing in this section—

3 (A) authorizes any action by an Allottee
4 (or any successor in interest to an Allottee)
5 against any individual or entity, or against the
6 Band, under Federal, State, tribal, or local law;
7 or

8 (B) alters or affects the status of any ac-
9 tion pursuant to section 1491(a) of title 28,
10 United States Code.

11 (e) SATISFACTION OF CLAIMS.—

12 (1) IN GENERAL.—The benefits provided to the
13 Band under the Pechanga Settlement Agreement
14 and this Act shall be in complete replacement of,
15 complete substitution for, and full satisfaction of all
16 claims of the Band against the United States that
17 are waived and released pursuant to subsection (f).

18 (2) ALLOTTEE CLAIMS.—The benefits realized
19 by the Allottees under this section shall be in com-
20 plete replacement of, complete substitution for, and
21 full satisfaction of—

22 (A) all claims that are waived and released
23 pursuant to subsection (f); and

24 (B) any claims of the Allottees against the
25 United States that the Allottees have or could

1 have asserted that are similar in nature to any
2 claim described in subsection (f).

3 (3) NO RECOGNITION OF WATER RIGHTS.—Ex-
4 cept as provided in subsection (d)(4), nothing in this
5 section recognizes or establishes any right of a mem-
6 ber of the Band or an Allottee to water within the
7 Reservation.

8 (4) CLAIMS RELATING TO DEVELOPMENT OF
9 WATER FOR RESERVATION.—

10 (A) IN GENERAL.—The amounts author-
11 ized to be appropriated pursuant to subsection
12 (j) shall be used to satisfy any claim of the
13 Allottees against the United States with respect
14 to the development or protection of water re-
15 sources for the Reservation.

16 (B) SATISFACTION OF CLAIMS.—Upon the
17 complete appropriation of amounts authorized
18 pursuant to subsection (j), any claim of the
19 Allottees against the United States with respect
20 to the development or protection of water re-
21 sources for the Reservation shall be deemed to
22 have been satisfied.

23 (f) WAIVER OF CLAIMS.—

24 (1) IN GENERAL.—

1 (A) WAIVER OF CLAIMS BY THE BAND AND
2 THE UNITED STATES ACTING IN ITS CAPACITY
3 AS TRUSTEE FOR THE BAND.—

4 (i) IN GENERAL.—Subject to the re-
5 tention of rights set forth in paragraph
6 (3), in return for recognition of the Tribal
7 Water Right and other benefits as set
8 forth in the Pechanga Settlement Agree-
9 ment and this section, the Band, on behalf
10 of itself and the members of the Band (but
11 not on behalf of a tribal member in the ca-
12 pacity of Allottee), and the United States,
13 acting as trustee for the Band, are author-
14 ized and directed to execute a waiver and
15 release of all claims for water rights within
16 the Santa Margarita River Watershed that
17 the Band, or the United States acting as
18 trustee for the Band, asserted or could
19 have asserted in any proceeding, including
20 the Adjudication Proceeding, except to the
21 extent that such rights are recognized in
22 the Pechanga Settlement Agreement and
23 this section.

24 (ii) CLAIMS AGAINST RCWD.—Subject
25 to the retention of rights set forth in para-

1 graph (3) and notwithstanding any provi-
2 sions to the contrary in the Pechanga Set-
3 tlement Agreement, the Band and the
4 United States, on behalf of the Band and
5 Allottees, fully release, acquit, and dis-
6 charge RCWD from—

7 (I) claims for injuries to water
8 rights in the Santa Margarita River
9 Watershed for land located within the
10 Reservation arising or occurring at
11 any time up to and including June 30,
12 2009;

13 (II) claims for injuries to water
14 rights in the Santa Margarita River
15 Watershed for land located within the
16 Reservation arising or occurring at
17 any time after June 30, 2009, result-
18 ing from the diversion or use of water
19 in a manner not in violation of the
20 Pechanga Settlement Agreement or
21 this section;

22 (III) claims for subsidence dam-
23 age to land located within the Res-
24 ervation arising or occurring at any

1 time up to and including June 30,
2 2009;

3 (IV) claims for subsidence dam-
4 age arising or occurring after June
5 30, 2009, to land located within the
6 Reservation resulting from the diver-
7 sion of underground water in a man-
8 ner consistent with the Pechanga Set-
9 tlement Agreement or this section;
10 and

11 (V) claims arising out of, or re-
12 lating in any manner to, the negotia-
13 tion or execution of the Pechanga Set-
14 tlement Agreement or the negotiation
15 or execution of this section.

16 (B) CLAIMS BY THE UNITED STATES ACT-
17 ING IN ITS CAPACITY AS TRUSTEE FOR
18 ALLOTTEES.—Subject to the retention of claims
19 set forth in paragraph (3), in return for rec-
20 ognition of the water rights of the Band and
21 other benefits as set forth in the Pechanga Set-
22 tlement Agreement and this section, the United
23 States, acting as trustee for Allottees, is au-
24 thorized and directed to execute a waiver and
25 release of all claims for water rights within the

1 Santa Margarita River Watershed that the
2 United States, acting as trustee for the
3 Allottees, asserted or could have asserted in any
4 proceeding, including the Adjudication Pro-
5 ceeding.

6 (C) CLAIMS BY THE BAND AGAINST THE
7 UNITED STATES.—Subject to the retention of
8 rights set forth in paragraph (3), the Band, on
9 behalf of itself and the members of the Band
10 (but not on behalf of a tribal member in the ca-
11 pacity of Allottee), is authorized to execute a
12 waiver and release of—

13 (i) all claims against the United
14 States (including the agencies and employ-
15 ees of the United States) relating to claims
16 for water rights in, or water of, the Santa
17 Margarita River Watershed that the
18 United States, acting in its capacity as
19 trustee for the Band, asserted, or could
20 have asserted, in any proceeding, including
21 the Adjudication Proceeding, except to the
22 extent that those rights are recognized in
23 the Pechanga Settlement Agreement and
24 this section;

1 (ii) all claims against the United
2 States (including the agencies and employ-
3 ees of the United States) relating to dam-
4 ages, losses, or injuries to water, water
5 rights, land, or natural resources due to
6 loss of water or water rights (including
7 damages, losses or injuries to hunting,
8 fishing, gathering, or cultural rights due to
9 loss of water or water rights, claims relat-
10 ing to interference with, diversion, or tak-
11 ing of water or water rights, or claims re-
12 lating to failure to protect, acquire, re-
13 place, or develop water, water rights, or
14 water infrastructure) in the Santa Mar-
15 garita River Watershed that first accrued
16 at any time up to and including the en-
17 forceability date;

18 (iii) all claims against the United
19 States (including the agencies and employ-
20 ees of the United States) relating to the
21 pending litigation of claims relating to the
22 water rights of the Band in the Adjudica-
23 tion Proceeding; and

24 (iv) all claims against the United
25 States (including the agencies and employ-

ees of the United States) relating to the negotiation or execution of the Pechanga Settlement Agreement or the negotiation or execution of this section.

(2) EFFECTIVENESS OF WAIVERS AND RELEASES.—The waivers under paragraph (1) shall take effect on the enforceability date.

(3) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this section, the Band, on behalf of itself and the members of the Band, and the United States, acting in its capacity as trustee for the Band and Allottees, retain—

(A) all claims for enforcement of the Pechanga Settlement Agreement and this section;

(B) all claims against any person or entity other than the United States and RCWD, including claims for monetary damages;

(C) all claims for water rights that are outside the jurisdiction of the Adjudication Court;

(D) all rights to use and protect water rights acquired on or after the enforceability date; and

1 (E) all remedies, privileges, immunities,
2 powers, and claims, including claims for water
3 rights, not specifically waived and released pur-
4 suant to this section and the Pechanga Settle-
5 ment Agreement.

6 (4) EFFECT OF PECHANGA SETTLEMENT
7 AGREEMENT AND ACT.—Nothing in the Pechanga
8 Settlement Agreement or this section—

9 (A) affects the ability of the United States,
10 acting as sovereign, to take actions authorized
11 by law, including any laws relating to health,
12 safety, or the environment, including—

13 (i) the Comprehensive Environmental
14 Response, Compensation, and Liability Act
15 of 1980 (42 U.S.C. 9601 et seq.);

16 (ii) the Safe Drinking Water Act (42
17 U.S.C. 300f et seq.);

18 (iii) the Federal Water Pollution Con-
19 trol Act (33 U.S.C. 1251 et seq.); and

20 (iv) any regulations implementing the
21 Acts described in clauses (i) through (iii);

22 (B) affects the ability of the United States
23 to take actions acting as trustee for any other
24 Indian tribe or an Allottee of any other Indian
25 tribe;

1 (C) confers jurisdiction on any State
2 court—

3 (i) to interpret Federal law regarding
4 health, safety, or the environment;

5 (ii) to determine the duties of the
6 United States or other parties pursuant to
7 Federal law regarding health, safety, or
8 the environment; or

9 (iii) to conduct judicial review of Fed-
10 eral agency action;

11 (D) waives any claim of a member of the
12 Band in an individual capacity that does not
13 derive from a right of the Band;

14 (E) limits any funding that RCWD would
15 otherwise be authorized to receive under any
16 Federal law, including, the Reclamation Waste-
17 water and Groundwater Study and Facilities
18 Act (43 U.S.C. 390h et seq.) as that Act ap-
19 plies to permanent facilities for water recycling,
20 demineralization, and desalination, and dis-
21 tribution of nonpotable water supplies in South-
22 ern Riverside County, California;

23 (F) characterizes any amounts received by
24 RCWD under the Pechanga Settlement Agree-
25 ment or this section as Federal for purposes of

1 section 1649 of the Reclamation Wastewater
2 and Groundwater Study and Facilities Act (43
3 U.S.C. 390h–32); or

4 (G) affects the requirement of any party to
5 the Pechanga Settlement Agreement or any of
6 the exhibits to the Pechanga Settlement Agree-
7 ment to comply with the National Environ-
8 mental Policy Act of 1969 (42 U.S.C. 4321 et
9 seq.) or the California Environmental Quality
10 Act (Cal. Pub. Res. Code 21000 et seq.) prior
11 to performing the respective obligations of that
12 party under the Pechanga Settlement Agree-
13 ment or any of the exhibits to the Pechanga
14 Settlement Agreement.

15 (5) ENFORCEABILITY DATE.—The enforce-
16 ability date shall be the date on which the Secretary
17 publishes in the Federal Register a statement of
18 findings that—

19 (A) the Adjudication Court has approved
20 and entered a judgment and decree approving
21 the Pechanga Settlement Agreement in sub-
22 stantially the same form as Appendix 2 to the
23 Pechanga Settlement Agreement;

24 (B) all amounts authorized by this section
25 have been deposited in the Fund;

1 (C) the waivers and releases authorized in
2 paragraph (1) have been executed by the Band
3 and the Secretary;

4 (D) the Extension of Service Area Agree-
5 ment—

6 (i) has been approved and executed by
7 all the parties to the Extension of Service
8 Area Agreement; and

9 (ii) is effective and enforceable in ac-
10 cordance with the terms of the Extension
11 of Service Area Agreement; and

12 (E) the ESAA Water Delivery Agree-
13 ment—

14 (i) has been approved and executed by
15 all the parties to the ESAA Water Delivery
16 Agreement; and

17 (ii) is effective and enforceable in ac-
18 cordance with the terms of the ESAA
19 Water Delivery Agreement.

20 (6) TOLLING OF CLAIMS.—

21 (A) IN GENERAL.—Each applicable period
22 of limitation and time-based equitable defense
23 relating to a claim described in this subsection
24 shall be tolled for the period beginning on the

1 date of enactment of this Act and ending on the
2 earlier of—

3 (i) April 30, 2030, or such alternate
4 date after April 30, 2030, as is agreed to
5 by the Band and the Secretary; or

6 (ii) the enforceability date.

7 (B) EFFECTS OF SUBSECTION.—Nothing
8 in this subsection revives any claim or tolls any
9 period of limitation or time-based equitable de-
10 fense that expired before the date of enactment
11 of this Act.

12 (C) LIMITATION.—Nothing in this sub-
13 section precludes the tolling of any period of
14 limitations or any time-based equitable defense
15 under any other applicable law.

16 (7) TERMINATION.—

17 (A) IN GENERAL.—If all of the amounts
18 authorized to be appropriated to the Secretary
19 pursuant to this section have not been made
20 available to the Secretary by April 30, 2030—

21 (i) the waivers authorized by this sub-
22 section shall expire and have no force or
23 effect; and

24 (ii) all statutes of limitations applica-
25 ble to any claim otherwise waived under

1 this subsection shall be tolled until April
2 30, 2030.

3 (B) VOIDING OF WAIVERS.—If a waiver
4 authorized by this subsection is void under sub-
5 paragraph (A)—

6 (i) the approval of the United States
7 of the Pechanga Settlement Agreement
8 under subsection (c) shall be void and have
9 no further force or effect;

10 (ii) any unexpended Federal amounts
11 appropriated or made available to carry
12 out this section, together with any interest
13 earned on those amounts, and any water
14 rights or contracts to use water and title
15 to other property acquired or constructed
16 with Federal amounts appropriated or
17 made available to carry out this section
18 shall be returned to the Federal Govern-
19 ment, unless otherwise agreed to by the
20 Band and the United States and approved
21 by Congress; and

22 (iii) except for Federal amounts used
23 to acquire or develop property that is re-
24 turned to the Federal Government under
25 clause (ii), the United States shall be enti-

1 tled to set off any Federal amounts appro-
2 priated or made available to carry out this
3 section that were expended or withdrawn,
4 together with any interest accrued, against
5 any claims against the United States relat-
6 ing to water rights asserted by the Band
7 or Allottees in any future settlement of the
8 water rights of the Band or Allottees.

9 (g) WATER FACILITIES.—

10 (1) IN GENERAL.—The Secretary shall, subject
11 to the availability of appropriations, using amounts
12 from the designated accounts of the Fund, provide
13 the amounts necessary to fulfill the obligations of
14 the Band under the Recycled Water Infrastructure
15 Agreement and the ESAA Capacity Agreement, in
16 an amount not to exceed the amounts deposited in
17 the designated accounts for such purposes plus any
18 interest accrued on such amounts from the date of
19 deposit in the Fund to the date of disbursement
20 from the Fund, in accordance with this section and
21 the terms and conditions of those agreements.

22 (2) NONREIMBURSABILITY OF COSTS.—All
23 costs incurred by the Secretary in carrying out this
24 subsection shall be nonreimbursable.

25 (3) RECYCLED WATER INFRASTRUCTURE.—

1 (A) IN GENERAL.—The Secretary shall,
2 using amounts from the Pechanga Recycled
3 Water Infrastructure account, provide amounts
4 for the Storage Pond in accordance with this
5 paragraph.

6 (B) STORAGE POND.—

7 (i) IN GENERAL.—The Secretary
8 shall, subject to the availability of appro-
9 priations, provide the amounts necessary to
10 fulfill the obligations of the Band under
11 the Recycled Water Infrastructure Agree-
12 ment for the design and construction of
13 the Storage Pond, in an amount not to ex-
14 ceed \$2,656,374.

15 (ii) PROCEDURE.—The procedure for
16 the Secretary to provide amounts pursuant
17 to this paragraph shall be as set forth in
18 the Recycled Water Infrastructure Agree-
19 ment.

20 (iii) LEAD AGENCY.—The Bureau of
21 Reclamation shall be the lead agency for
22 purposes of the implementation of this
23 paragraph.

1 (iv) LIABILITY.—The United States
2 shall have no responsibility or liability for
3 the Storage Pond.

4 (4) ESAA DELIVERY CAPACITY.—

5 (A) IN GENERAL.—The Secretary shall,
6 using amounts from the Pechanga ESAA Deliv-
7 ery Capacity account, provide amounts for In-
8 terim Capacity and Permanent Capacity in ac-
9 cordance with this paragraph.

10 (B) INTERIM CAPACITY.—

11 (i) IN GENERAL.—The Secretary
12 shall, subject to the availability of appro-
13 priations, using amounts from the ESAA
14 Delivery Capacity account, provide
15 amounts necessary to fulfill the obligations
16 of the Band under the ESAA Capacity
17 Agreement for the provision by RCWD of
18 Interim Capacity to the Band in an
19 amount not to exceed \$1,000,000.

20 (ii) PROCEDURE.—The procedure for
21 the Secretary to provide amounts pursuant
22 to this subparagraph shall be as set forth
23 in the ESAA Capacity Agreement.

24 (iii) LEAD AGENCY.—The Bureau of
25 Reclamation shall be the lead agency for

1 purposes of the implementation of this
2 subparagraph.

3 (iv) LIABILITY.—The United States
4 shall have no responsibility or liability for
5 the Interim Capacity to be provided by
6 RCWD.

7 (v) TRANSFER TO BAND.—If RCWD
8 does not provide the Interim Capacity No-
9 tice required pursuant to the ESAA Ca-
10 pacity Agreement by the date that is 60
11 days after the date required under the
12 ESAA Capacity Agreement, the amounts
13 in the Pechanga ESAA Delivery Capacity
14 account for purposes of the provision of In-
15 terim Capacity and Permanent Capacity,
16 including any interest that has accrued on
17 those amounts, shall be available for use
18 by the Band to provide alternative interim
19 capacity in a manner that is similar to the
20 Interim Capacity and Permanent Capacity
21 that the Band would have received had
22 RCWD provided such Interim Capacity
23 and Permanent Capacity.

24 (C) PERMANENT CAPACITY.—

1 (i) IN GENERAL.—On receipt of the
2 Permanent Capacity Notice pursuant to
3 section 5(b) of the ESAA Capacity Agree-
4 ment, the Secretary, acting through the
5 Bureau of Reclamation, shall enter into ne-
6 gotiations with RCWD and the Band to es-
7 tablish an agreement that will allow for the
8 disbursement of amounts from the
9 Pechanga ESAA Delivery Capacity account
10 in accordance with clause (ii).

11 (ii) SCHEDULE OF DISBURSEMENT.—
12 Subject to the availability of amounts
13 under subsection (h)(5), on execution of
14 the ESAA Capacity Agreement, the Sec-
15 retary shall, subject to the availability of
16 appropriations and using amounts from
17 the ESAA Delivery Capacity account, pro-
18 vide amounts necessary to fulfill the obli-
19 gations of the Band under the ESAA Ca-
20 pacity Agreement for the provision by
21 RCWD of Permanent Capacity to the
22 Band in an amount not to exceed the
23 amount available in the ESAA Delivery
24 Capacity account as of the date on which
25 the ESAA Capacity Agreement is executed.

1 (iii) PROCEDURE.—The procedure for
2 the Secretary to provide funds pursuant to
3 this subparagraph shall be as set forth in
4 the ESAA Capacity Agreement.

5 (iv) LEAD AGENCY.—The Bureau of
6 Reclamation shall be the lead agency for
7 purposes of the implementation of this
8 subparagraph.

9 (v) LIABILITY.—The United States
10 shall have no responsibility or liability for
11 the Permanent Capacity to be provided by
12 RCWD.

13 (vi) TRANSFER TO BAND.—If RCWD
14 does not provide the Permanent Capacity
15 Notice required pursuant to the ESAA Ca-
16 pacity Agreement by the date that is 5
17 years after the enforceability date, the
18 amounts in the Pechanga ESAA Delivery
19 Capacity account for purposes of the provi-
20 sion of Permanent Capacity, including any
21 interest that has accrued on those
22 amounts, shall be available for use by the
23 Band to provide alternative permanent ca-
24 pacity in a manner that is similar to the
25 Permanent Capacity that the Band would

1 have received had RCWD provided such
2 Permanent Capacity.

3 (h) PECHANGA SETTLEMENT FUND.—

4 (1) ESTABLISHMENT.—There is established in
5 the Treasury of the United States a fund to be
6 known as the “Pechanga Settlement Fund”, to be
7 managed, invested, and distributed by the Secretary
8 and to be available until expended, and, together
9 with any interest earned on those amounts, to be
10 used solely for the purpose of carrying out this sec-
11 tion.

12 (2) TRANSFERS TO FUND.—The Fund shall
13 consist of such amounts as are deposited in the
14 Fund under subsection (j), together with any inter-
15 est earned on those amounts, which shall be avail-
16 able in accordance with paragraph (5).

17 (3) ACCOUNTS OF PECHANGA SETTLEMENT
18 FUND.—The Secretary shall establish in the Fund
19 the following accounts:

20 (A) Pechanga Recycled Water Infrastruc-
21 ture account, consisting of amounts authorized
22 pursuant to subsection (j)(1).

23 (B) Pechanga ESAA Delivery Capacity ac-
24 count, consisting of amounts authorized pursu-
25 ant to subsection (j)(2).

1 (C) Pechanga Water Fund account, con-
2 sisting of amounts authorized pursuant to sub-
3 section (j)(3).

4 (D) Pechanga Water Quality account, con-
5 sisting of amounts authorized pursuant to sub-
6 section (j)(4).

7 (4) MANAGEMENT OF FUND.—The Secretary
8 shall manage, invest, and distribute all amounts in
9 the Fund in a manner that is consistent with the in-
10 vestment authority of the Secretary under—

11 (A) the first section of the Act of June 24,
12 1938 (25 U.S.C. 162a);

13 (B) the American Indian Trust Fund Man-
14 agement Reform Act of 1994 (25 U.S.C. 4001
15 et seq.); and

16 (C) this subsection.

17 (5) AVAILABILITY OF AMOUNTS.—Amounts ap-
18 propriated to, and deposited in, the Fund, including
19 any investment earnings accrued from the date of
20 deposit in the Fund through the date of disburse-
21 ment from the Fund, shall be made available to the
22 Band by the Secretary beginning on the enforce-
23 ability date.

1 (6) WITHDRAWALS BY BAND PURSUANT TO
2 THE AMERICAN INDIAN TRUST FUND MANAGEMENT
3 REFORM ACT.—

4 (A) IN GENERAL.—The Band may with-
5 draw all or part of the amounts in the Fund on
6 approval by the Secretary of a tribal manage-
7 ment plan submitted by the Band in accordance
8 with the American Indian Trust Fund Manage-
9 ment Reform Act of 1994 (25 U.S.C. 4001 et
10 seq.).

11 (B) REQUIREMENTS.—

12 (i) IN GENERAL.—In addition to the
13 requirements under the American Indian
14 Trust Fund Management Reform Act of
15 1994 (25 U.S.C. 4001 et seq.), the tribal
16 management plan under subparagraph (A)
17 shall require that the Band shall spend all
18 amounts withdrawn from the Fund in ac-
19 cordance with this section.

20 (ii) ENFORCEMENT.—The Secretary
21 may carry out such judicial or administra-
22 tive actions as the Secretary determines to
23 be necessary to enforce the tribal manage-
24 ment plan to ensure that amounts with-
25 drawn by the Band from the Fund under

1 this paragraph are used in accordance with
2 this section.

3 (7) WITHDRAWALS BY BAND PURSUANT TO AN
4 EXPENDITURE PLAN.—

5 (A) IN GENERAL.—The Band may submit
6 an expenditure plan for approval by the Sec-
7 retary requesting that all or part of the
8 amounts in the Fund be disbursed in accord-
9 ance with the plan.

10 (B) REQUIREMENTS.—The expenditure
11 plan under subparagraph (A) shall include a de-
12 scription of the manner and purpose for which
13 the amounts proposed to be disbursed from the
14 Fund will be used, in accordance with para-
15 graph (8).

16 (C) APPROVAL.—If the Secretary deter-
17 mines that an expenditure plan submitted
18 under this subsection is consistent with the pur-
19 poses of this section, the Secretary shall ap-
20 prove the plan.

21 (D) ENFORCEMENT.—The Secretary may
22 carry out such judicial or administrative actions
23 as the Secretary determines necessary to en-
24 force an expenditure plan to ensure that

1 amounts disbursed under this paragraph are
2 used in accordance with this section.

3 (8) USES.—Amounts from the Fund shall be
4 used by the Band for the following purposes:

5 (A) PECHANGA RECYCLED WATER INFRA-
6 STRUCTURE ACCOUNT.—The Pechanga Recy-
7 cled Water Infrastructure account shall be used
8 for expenditures by the Band in accordance
9 with subsection (g)(3).

10 (B) PECHANGA ESAA DELIVERY CAPACITY
11 ACCOUNT.—The Pechanga ESAA Delivery Ca-
12 pacity account shall be used for expenditures by
13 the Band in accordance with subsection (g)(4).

14 (C) PECHANGA WATER FUND ACCOUNT.—
15 The Pechanga Water Fund account shall be
16 used for—

17 (i) payment of the EMWD Connection
18 Fee;

19 (ii) payment of the MWD Connection
20 Fee; and

21 (iii) any expenses, charges, or fees in-
22 curred by the Band in connection with the
23 delivery or use of water pursuant to the
24 Pechanga Settlement Agreement.

1 (D) PECHANGA WATER QUALITY AC-
2 COUNT.—The Pechanga Water Quality account
3 shall be used by the Band to fund groundwater
4 desalination activities within the Wolf Valley
5 Basin.

6 (9) LIABILITY.—The Secretary and the Sec-
7 retary of the Treasury shall not be liable for the ex-
8 penditure of, or the investment of any amounts with-
9 drawn from, the Fund by the Band under paragraph
10 (6) or (7).

11 (10) NO PER CAPITA DISTRIBUTIONS.—No por-
12 tion of the Fund shall be distributed on a per capita
13 basis to any member of the Band.

14 (i) MISCELLANEOUS PROVISIONS.—

15 (1) WAIVER OF SOVEREIGN IMMUNITY BY THE
16 UNITED STATES.—Except as provided in subsections
17 (a) through (c) of section 208 of the Department of
18 Justice Appropriation Act, 1953 (43 U.S.C. 666),
19 nothing in this section waives the sovereign immu-
20 nity of the United States.

21 (2) OTHER TRIBES NOT ADVERSELY AF-
22 FECTED.—Nothing in this section quantifies or di-
23 minishes any land or water right, or any claim or
24 entitlement to land or water, of an Indian tribe,
25 band, or community other than the Band.

1 (3) LIMITATION ON CLAIMS FOR REIMBURSE-
2 MENT.—With respect to Indian land within the Res-
3 ervation—

4 (A) the United States shall not submit
5 against any Indian-owned land located within
6 the Reservation any claim for reimbursement of
7 the cost to the United States of carrying out
8 this section and the Pechanga Settlement
9 Agreement; and

10 (B) no assessment of any Indian-owned
11 land located within the Reservation shall be
12 made regarding that cost.

13 (4) EFFECT ON CURRENT LAW.—Nothing in
14 this subsection affects any provision of law (includ-
15 ing regulations) in effect on the day before the date
16 of enactment of this Act with respect to
17 preenforcement review of any Federal environmental
18 enforcement action.

19 (j) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) PECHANGA RECYCLED WATER INFRASTRUC-
21 TURE ACCOUNT.—There is authorized to be appro-
22 priated \$2,656,374, for deposit in the Pechanga Re-
23 cycled Water Infrastructure account, to carry out
24 the activities described in subsection (g)(3).

1 (2) PECHANGA ESAA DELIVERY CAPACITY AC-
2 COUNT.—There is authorized to be appropriated
3 \$17,900,000, for deposit in the Pechanga ESAA De-
4 livery Capacity account, which amount shall be ad-
5 justed for changes in construction costs since June
6 30, 2009, as is indicated by ENR Construction Cost
7 Index, 20-City Average, as applicable to the types of
8 construction required for the Band to provide the in-
9 frastructure necessary for the Band to provide the
10 Interim Capacity and Permanent Capacity in the
11 event that RCWD elects not to provide the Interim
12 Capacity or Permanent Capacity as set forth in the
13 ESAA Capacity Agreement and contemplated in
14 subparagraphs (B)(v) and (C)(vi) of subsection
15 (g)(4), with such adjustment ending on the date on
16 which funds authorized to be appropriated under
17 this subsection have been deposited in the Fund.

18 (3) PECHANGA WATER FUND ACCOUNT.—There
19 is authorized to be appropriated \$5,483,653, for de-
20 posit in the Pechanga Water Fund account, which
21 amount shall be adjusted for changes in appropriate
22 cost indices since June 30, 2009, with such adjust-
23 ment ending on the date of deposit in the Fund, for
24 the purposes set forth in subsection (h)(8)(C).

1 (4) PECHANGA WATER QUALITY ACCOUNT.—

2 There is authorized to be appropriated \$2,460,000,
3 for deposit in the Pechanga Water Quality account,
4 which amount shall be adjusted for changes in ap-
5 propriate cost indices since June 30, 2009, with
6 such adjustment ending on the date of deposit in the
7 Fund, for the purposes set forth in subsection
8 (h)(8)(D).

9 (k) REPEAL ON FAILURE OF ENFORCEABILITY
10 DATE.—If the Secretary does not publish a statement of
11 findings under subsection (f)(5) by April 30, 2021, or such
12 alternative later date as is agreed to by the Band and the
13 Secretary, as applicable—

14 (1) this section is repealed effective on the later
15 of May 1, 2021, or the day after the alternative date
16 agreed to by the Band and the Secretary;

17 (2) any action taken by the Secretary and any
18 contract or agreement pursuant to the authority pro-
19 vided under any provision of this section shall be
20 void;

21 (3) any amounts appropriated under subsection
22 (j), together with any interest on those amounts,
23 shall immediately revert to the general fund of the
24 Treasury; and

(4) any amounts made available under subsection (j) that remain unexpended shall immediately revert to the general fund of the Treasury.

(l) ANTIDEFICIENCY.—

(1) IN GENERAL.—Notwithstanding any authorization of appropriations to carry out this section, the expenditure or advance of any funds, and the performance of any obligation by the Department in any capacity, pursuant to this section shall be contingent on the appropriation of funds for that expenditure, advance, or performance.

(2) LIABILITY.—The Department of the Interior shall not be liable for the failure to carry out any obligation or activity authorized by this section if adequate appropriations are not provided to carry out this section.

SEC. 8010. GOLD KING MINE SPILL RECOVERY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) CLAIMANT.—The term “claimant” means a State, Indian tribe, or local government that submits a claim under subsection (c).

1 (3) GOLD KING MINE RELEASE.—The term
2 “Gold King Mine release” means the discharge on
3 August 5, 2015, of approximately 3,000,000 gallons
4 of contaminated water from the Gold King Mine
5 north of Silverton, Colorado, into Cement Creek that
6 occurred while contractors of the Environmental
7 Protection Agency were conducting an investigation
8 of the Gold King Mine to assess mine conditions.

9 (4) NATIONAL CONTINGENCY PLAN.—The term
10 “National Contingency Plan” means the National
11 Contingency Plan prepared and published under
12 part 300 of title 40, Code of Federal Regulations (or
13 successor regulations).

14 (5) RESPONSE.—The term “response” has the
15 meaning given the term in section 101 of the Com-
16 prehensive Environmental Response, Compensation,
17 and Liability Act of 1980 (42 U.S.C. 9601).

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the Administrator should receive and process,
20 as expeditiously as possible, claims under chapter 171 of
21 title 28, United States Code (commonly known as the
22 “Federal Tort Claims Act”) for any injury arising out of
23 the Gold King Mine release.

1 (c) GOLD KING MINE RELEASE CLAIMS PURSUANT
2 TO THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
3 COMPENSATION, AND LIABILITY ACT.—

4 (1) IN GENERAL.—The Administrator shall,
5 consistent with the National Contingency Plan, re-
6 ceive and process under the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act
8 of 1980 (42 U.S.C. 9601 et seq.), and pay from ap-
9 propriations made available to the Administrator to
10 carry out that Act, any claim made by a State, In-
11 dian tribe, or local government for eligible response
12 costs relating to the Gold King Mine release.

13 (2) ELIGIBLE RESPONSE COSTS.—

14 (A) IN GENERAL.—Response costs in-
15 curred between August 5, 2015, and September
16 9, 2016, are eligible for payment by the Admin-
17 istrator under this subsection, without prior ap-
18 proval by the Administrator, if the response
19 costs are not inconsistent with the National
20 Contingency Plan.

21 (B) PRIOR APPROVAL REQUIRED.—Re-
22 sponse costs incurred after September 9, 2016,
23 are eligible for payment by the Administrator
24 under this subsection if—

1 (i) the Administrator approves the re-
2 sponse costs under section 111(a)(2) of the
3 Comprehensive Environmental Response,
4 Compensation, and Liability Act of 1980
5 (42 U.S.C. 9611(a)(2)); and

6 (ii) the response costs are not incon-
7 sistent with the National Contingency
8 Plan.

9 (3) PRESUMPTION.—

10 (A) IN GENERAL.—The Administrator
11 shall consider response costs claimed under
12 paragraph (1) to be eligible response costs if a
13 reasonable basis exists to establish that the re-
14 sponse costs are not inconsistent with the Na-
15 tional Contingency Plan.

16 (B) APPLICABLE STANDARD.—In deter-
17 mining whether a response cost is not incon-
18 sistent with the National Contingency Plan, the
19 Administrator shall apply the same standard
20 that the United States applies in seeking recov-
21 ery of the response costs of the United States
22 from responsible parties under section 107 of
23 the Comprehensive Environmental Response,
24 Compensation, and Liability Act of 1980 (42
25 U.S.C. 9607).

1 (4) TIMING.—

2 (A) IN GENERAL.—Not later than 90 days
3 after the date of enactment of this Act, the Ad-
4 ministrators shall make a decision on, and pay,
5 any eligible response costs submitted to the Ad-
6 ministrators before that date of enactment.

7 (B) SUBSEQUENTLY FILED CLAIMS.—Not
8 later than 90 days after the date on which a
9 claim is submitted to the Administrator, the
10 Administrator shall make a decision on, and
11 pay, any eligible response costs.

12 (C) DEADLINE.—All claims under this
13 subsection shall be submitted to the Adminis-
14 trator not later than 180 days after the date of
15 enactment of this Act.

16 (D) NOTIFICATION.—Not later than 30
17 days after the date on which the Administrator
18 makes a decision under subparagraph (A) or
19 (B), the Administrator shall notify the claimant
20 of the decision.

21 (d) WATER QUALITY PROGRAM.—

22 (1) IN GENERAL.—In response to the Gold
23 King Mine release, the Administrator, in conjunction
24 with affected States, Indian tribes, and local govern-
25 ments, shall, subject to the availability of appropria-

1 tions, develop and implement a program for long-
2 term water quality monitoring of rivers contami-
3 nated by the Gold King Mine release.

4 (2) REQUIREMENTS.—In carrying out the pro-
5 gram described in paragraph (1), the Administrator,
6 in conjunction with affected States, Indian tribes,
7 and local governments, shall—

8 (A) collect water quality samples and sedi-
9 ment data;

10 (B) provide the public with a means of
11 viewing the water quality sample results and
12 sediment data referred to in subparagraph (A)
13 by, at a minimum, posting the information on
14 the website of the Administrator;

15 (C) take any other reasonable measure
16 necessary to assist affected States, Indian
17 tribes, and local governments with long-term
18 water monitoring; and

19 (D) carry out additional program activities
20 related to long-term water quality monitoring
21 that the Administrator determines to be nec-
22 essary.

23 (3) AUTHORIZATION OF APPROPRIATIONS.—

24 There are authorized to be appropriated to the Ad-
25 ministrator such sums as may be necessary to carry

1 out this subsection, including the reimbursement of
2 affected States, Indian tribes, and local governments
3 for the costs of long-term water quality monitoring
4 of any river contaminated by the Administrator.

5 (e) EXISTING STATE AND TRIBAL LAW.—Nothing in
6 this section affects the jurisdiction or authority of any de-
7 partment, agency, or officer of any State government or
8 any Indian tribe.

9 (f) SAVINGS CLAUSE.—Nothing in this section affects
10 any right of any State, Indian tribe, or other person to
11 bring a claim against the United States for response costs
12 or natural resources damages pursuant to section 107 of
13 the Comprehensive Environmental Response, Compensa-
14 tion, and Liability Act of 1980 (42 U.S.C. 9607).

15 **SEC. 8011. REPORTS BY THE COMPTROLLER GENERAL.**

16 Not later than 5 years after the date of enactment
17 of this Act, the Comptroller General of the United States
18 shall conduct the following reviews and submit to Congress
19 reports describing the results of the reviews:

20 (1) A review of the implementation and effec-
21 tiveness of the Columbia River Basin restoration
22 program authorized under part V of subtitle F of
23 title VII.

24 (2) A review of the implementation and effec-
25 tiveness of watercraft inspection stations established

1 by the Secretary under section 104 of the River and
2 Harbor Act of 1958 (33 U.S.C. 610) in preventing
3 the spread of aquatic invasive species at reservoirs
4 operated and maintained by the Secretary.

5 **SEC. 8012. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) State water quality standards that impact
8 the disposal of dredged material should be developed
9 collaboratively, with input from all relevant stake-
10 holders;

11 (2) Open-water disposal of dredged material
12 should be reduced to the maximum extent prac-
13 ticable;

14 (3) Where practicable, the preference is for dis-
15 putes between states related to the disposal of
16 dredged material and the protection of water quality
17 to be resolved between the states in accordance with
18 regional plans and involving regional bodies.

19 **SEC. 8013. BUREAU OF RECLAMATION DAKOTAS AREA OF-**
20 **FICE PERMIT FEES FOR CABINS AND TRAIL-**
21 **ERS.**

22 During the period ending 5 years after the date of
23 enactment of this Act, the Secretary of the Interior shall
24 not increase the permit fee for a cabin or trailer on land
25 in the State of North Dakota administered by the Dakotas

1 Area Office of the Bureau of Reclamation by more than
2 33 percent of the permit fee that was in effect on January
3 1, 2016.

4 **SEC. 8014. USE OF TRAILER HOMES AT HEART BUTTE DAM**
5 **AND RESERVOIR (LAKE TSCHIDA).**

6 (a) DEFINITIONS.—In this section:

7 (1) ADDITION.—The term “addition” means
8 any enclosed structure added onto the structure of
9 a trailer home that increases the living area of the
10 trailer home.

11 (2) CAMPER OR RECREATIONAL VEHICLE.—The
12 term “camper or recreational vehicle” includes—

13 (A) a camper, motorhome, trailer camper,
14 bumper hitch camper, fifth wheel camper, or
15 equivalent mobile shelter; and

16 (B) a recreational vehicle.

17 (3) IMMEDIATE FAMILY.—The term “immediate
18 family” means a spouse, grandparent, parent, sib-
19 ling, child, or grandchild.

20 (4) PERMIT.—The term “permit” means a per-
21 mit issued by the Secretary authorizing the use of
22 a lot in a trailer area.

23 (5) PERMIT YEAR.—The term “permit year”
24 means the period beginning on April 1 of a calendar

1 year and ending on March 31 of the following cal-
2 endar year.

3 (6) PERMITTEE.—The term “permittee” means
4 a person holding a permit.

5 (7) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior, acting through the
7 Commissioner of Reclamation.

8 (8) TRAILER AREA.—The term “trailer area”
9 means any of the following areas at Heart Butte
10 Dam and Reservoir (Lake Tschida) (as described in
11 the document of the Bureau of Reclamation entitled
12 “Heart Butte Reservoir Resource Management
13 Plan” (March 2008)):

14 (A) Trailer Area 1 and 2, also known as
15 Management Unit 034.

16 (B) Southside Trailer Area, also known as
17 Management Unit 014.

18 (9) TRAILER HOME.—The term “trailer home”
19 means a dwelling placed on a supporting frame
20 that—

21 (A) has or had a tow-hitch; and

22 (B) is made mobile, or is capable of being
23 made mobile, by an axle and wheels.

24 (b) PERMIT RENEWAL AND PERMITTED USE.—

1 (1) IN GENERAL.—The Secretary shall use the
2 same permit renewal process for trailer area permits
3 as the Secretary uses for other permit renewals in
4 other reservoirs in the State of North Dakota ad-
5 ministered by the Dakotas Area Office of the Bu-
6 reau of Reclamation.

7 (2) TRAILER HOMES.—With respect to a trailer
8 home, a permit for each permit year shall authorize
9 the permittee—

10 (A) to park the trailer home on the lot;

11 (B) to use the trailer home on the lot;

12 (C) to physically move the trailer home on
13 and off the lot; and

14 (D) to leave on the lot any addition, deck,
15 porch, entryway, step to the trailer home, pro-
16 pane tank, or storage shed.

17 (3) CAMPERS OR RECREATIONAL VEHICLES.—
18 With respect to a camper or recreational vehicle, a
19 permit shall, for each permit year—

20 (A) from April 1 to October 31, authorize
21 the permittee—

22 (i) to park the camper or recreational
23 vehicle on the lot;

24 (ii) to use the camper or recreational
25 vehicle on the lot; and

1 (iii) to move the camper or rec-
2 reational vehicle on and off the lot; and

3 (B) from November 1 to March 31, require
4 a permittee to remove the camper or rec-
5 reational vehicle from the lot.

6 (c) REMOVAL.—

7 (1) IN GENERAL.—The Secretary may require
8 removal of a trailer home from a lot in a trailer area
9 if the trailer home is flooded after the date of enact-
10 ment of this Act.

11 (2) REMOVAL AND NEW USE.—If the Secretary
12 requires removal of a trailer home under paragraph
13 (1), on request by the permittee, the Secretary shall
14 authorize the permittee—

15 (A) to replace the trailer home on the lot
16 with a camper or recreational vehicle in accord-
17 ance with this section; or

18 (B) to place a trailer home on the lot from
19 April 1 to October 31.

20 (d) TRANSFER OF PERMITS.—

21 (1) TRANSFER OF TRAILER HOME TITLE.—If a
22 permittee transfers title to a trailer home permitted
23 on a lot in a trailer area, the Secretary shall issue
24 a permit to the transferee, under the same terms as

1 the permit applicable on the date of transfer, subject
2 to the conditions described in paragraph (3).

3 (2) TRANSFER OF CAMPER OR RECREATIONAL
4 VEHICLE TITLE.—If a permittee who has a permit
5 to use a camper or recreational vehicle on a lot in
6 a trailer area transfers title to the interests of the
7 permittee on or to the lot, the Secretary shall issue
8 a permit to the transferee, subject to the conditions
9 described in paragraph (3).

10 (3) CONDITIONS.—A permit issued by the Sec-
11 retary under paragraph (1) or (2) shall be subject
12 to the following conditions:

13 (A) A permit may not be held in the name
14 of a corporation.

15 (B) A permittee may not have an interest
16 in, or control of, more than 1 seasonal trailer
17 home site in the Great Plains Region of the Bu-
18 reau of Reclamation, inclusive of sites located
19 on tracts permitted to organized groups on Rec-
20 lamation reservoirs.

21 (C) Not more than 2 persons may be per-
22 mittees under 1 permit, unless—

23 (i) approved by the Secretary; or

24 (ii) the additional persons are imme-
25 diate family members of the permittees.

1 (e) ANCHORING REQUIREMENTS FOR TRAILER
2 HOMES.—The Secretary shall require compliance with ap-
3 propriate anchoring requirements for each trailer home
4 (including additions to the trailer home) and other objects
5 on a lot in a trailer area, as determined by the Secretary,
6 after consulting with permittees.

7 (f) REPLACEMENT, REMOVAL, AND RETURN.—

8 (1) REPLACEMENT.—Permittees may replace
9 their trailer home with another trailer home.

10 (2) REMOVAL AND RETURN.—Permittees
11 may—

12 (A) remove their trailer home; and

13 (B) if the permittee removes their trailer
14 home under subparagraph (A), return the trail-
15 er home to the lot of the permittee.

16 (g) LIABILITY; TAKING.—

17 (1) LIABILITY.—The United States shall not be
18 liable for flood damage to the personal property of
19 a permittee or for damages arising out of any act,
20 omission, or occurrence relating to a lot to which a
21 permit applies, other than for damages caused by an
22 act or omission of the United States or an employee,
23 agent, or contractor of the United States before the
24 date of enactment of this Act.

1 (2) TAKING.—Any temporary flooding or flood
2 damage to the personal property of a permittee shall
3 not be a taking by the United States.

4 **TITLE IX—BLACKFEET WATER**
5 **RIGHTS SETTLEMENT ACT**

6 **SEC. 9001. SHORT TITLE.**

7 This title may be cited as the “Blackfeet Water
8 Rights Settlement Act”.

9 **SEC. 9002. PURPOSES.**

10 The purposes of this title are—

11 (1) to achieve a fair, equitable, and final settle-
12 ment of claims to water rights in the State of Mon-
13 tana for—

14 (A) the Blackfeet Tribe of the Blackfeet
15 Indian Reservation; and

16 (B) the United States, for the benefit of
17 the Tribe and allottees;

18 (2) to authorize, ratify, and confirm the water
19 rights compact entered into by the Tribe and the
20 State, to the extent that the Compact is consistent
21 with this title;

22 (3) to authorize and direct the Secretary of the
23 Interior—

24 (A) to execute the Compact; and

1 (B) to take any other action necessary to
 2 carry out the Compact in accordance with this
 3 title; and

4 (4) to authorize funds necessary for the imple-
 5 mentation of the Compact and this title.

6 **SEC. 9003. DEFINITIONS.**

7 In this title:

8 (1) ALLOTTEE.—The term “allottee” means
 9 any individual who holds a beneficial real property
 10 interest in an allotment of Indian land that is—

11 (A) located within the Reservation; and

12 (B) held in trust by the United States.

13 (2) BIRCH CREEK AGREEMENT.—The term
 14 “Birch Creek Agreement” means—

15 (A) the agreement between the Tribe and
 16 the State regarding Birch Creek water use
 17 dated January 31, 2008 (as amended on Feb-
 18 ruary 13, 2009); and

19 (B) any amendment or exhibit (including
 20 exhibit amendments) to that agreement that is
 21 executed in accordance with this title.

22 (3) BLACKFEET IRRIGATION PROJECT.—The
 23 term “Blackfeet Irrigation Project” means the irri-
 24 gation project authorized by the matter under the
 25 heading “MONTANA” of title II of the Act of

1 March 1, 1907 (34 Stat. 1035, chapter 2285), and
2 administered by the Bureau of Indian Affairs.

3 (4) COMPACT.—The term “Compact” means—

4 (A) the Blackfeet-Montana water rights
5 compact dated April 15, 2009, as contained in
6 section 85–20–1501 of the Montana Code An-
7 notated (2015); and

8 (B) any amendment or exhibit (including
9 exhibit amendments) to the Compact that is ex-
10 ecuted to make the Compact consistent with
11 this title.

12 (5) ENFORCEABILITY DATE.—The term “en-
13 forceability date” means the date described in sec-
14 tion 9020(f).

15 (6) LAKE ELWELL.—The term “Lake Elwell”
16 means the water impounded on the Marias River in
17 the State by Tiber Dam, a feature of the Lower
18 Marias Unit of the Pick-Sloan Missouri River Basin
19 Program authorized by section 9 of the Act of De-
20 cember 22, 1944 (commonly known as the “Flood
21 Control Act of 1944”) (58 Stat. 891, chapter 665).

22 (7) MILK RIVER BASIN.—The term “Milk River
23 Basin” means the North Fork, Middle Fork, South
24 Fork, and main stem of the Milk River and tribu-

1 taries, from the headwaters to the confluence with
2 the Missouri River.

3 (8) MILK RIVER PROJECT.—

4 (A) IN GENERAL.—The term “Milk River
5 Project” means the Bureau of Reclamation
6 project conditionally approved by the Secretary
7 on March 14, 1903, pursuant to the Act of
8 June 17, 1902 (32 Stat. 388, chapter 1093),
9 commencing at Lake Sherburne Reservoir and
10 providing water to a point approximately 6
11 miles east of Nashua, Montana.

12 (B) INCLUSIONS.—The term “Milk River
13 Project” includes—

14 (i) the St. Mary Unit;

15 (ii) the Fresno Dam and Reservoir;

16 and

17 (iii) the Dodson pumping unit.

18 (9) MILK RIVER PROJECT WATER RIGHTS.—

19 The term “Milk River Project water rights” means
20 the water rights held by the Bureau of Reclamation
21 on behalf of the Milk River Project, as finally adju-
22 dicated by the Montana Water Court.

23 (10) MILK RIVER WATER RIGHT.—The term

24 “Milk River water right” means the portion of the

1 Tribal water rights described in article III.F of the
2 Compact and this title.

3 (11) MISSOURI RIVER BASIN.—The term “Mis-
4 souri River Basin” means the hydrologic basin of
5 the Missouri River (including tributaries).

6 (12) MR&I SYSTEM.—The term “MR&I Sys-
7 tem” means the intake, treatment, pumping, stor-
8 age, pipelines, appurtenant items, and any other fea-
9 ture of the system, as generally described in the doc-
10 ument entitled “Blackfeet Regional Water System”,
11 prepared by DOWL HKM, and dated June 2010,
12 and modified by DOWL HKM, as set out in the ad-
13 dendum to the report dated March 2013.

14 (13) OM&R.—The term “OM&R” means—

15 (A) any recurring or ongoing activity asso-
16 ciated with the day-to-day operation of a
17 project;

18 (B) any activity relating to scheduled or
19 unscheduled maintenance of a project; and

20 (C) any activity relating to replacing a fea-
21 ture of a project.

22 (14) RESERVATION.—The term “Reservation”
23 means the Blackfeet Indian Reservation of Montana,
24 as—

1 (A) established by the Treaty of October
2 17, 1855 (11 Stat. 657); and

3 (B) modified by—

4 (i) the Executive Order of July 5,
5 1873 (relating to the Blackfeet Reserve);

6 (ii) the Act of April 15, 1874 (18
7 Stat. 28, chapter 96);

8 (iii) the Executive order of August 19,
9 1874 (relating to the Blackfeet Reserve);

10 (iv) the Executive order of April 13,
11 1875 (relating to the Blackfeet Reserve);

12 (v) the Executive order of July 13,
13 1880 (relating to the Blackfeet Reserve);

14 (vi) the Agreement with the Blackfeet,
15 ratified by the Act of May 1, 1888 (25
16 Stat. 113, chapter 213); and

17 (vii) the Agreement with the Black-
18 feet, ratified by the Act of June 10, 1896
19 (29 Stat. 353, chapter 398).

20 (15) ST. MARY RIVER WATER RIGHT.—The
21 term “St. Mary River water right” means that por-
22 tion of the Tribal water rights described in article
23 III.G.1.a.i. of the Compact and this title.

24 (16) ST. MARY UNIT.—

1 (A) IN GENERAL.—The term “St. Mary
2 Unit” means the St. Mary Storage Unit of the
3 Milk River Project authorized by Congress on
4 March 25, 1905.

5 (B) INCLUSIONS.—The term “St. Mary
6 Unit” includes—

- 7 (i) Sherburne Dam and Reservoir;
8 (ii) Swift Current Creek Dike;
9 (iii) Lower St. Mary Lake;
10 (iv) St. Mary Canal Diversion Dam;
11 and
12 (v) St. Mary Canal and appur-
13 tenances.

14 (17) SECRETARY.—The term “Secretary”
15 means the Secretary of the Interior.

16 (18) STATE.—The term “State” means the
17 State of Montana.

18 (19) SWIFTCURRENT CREEK BANK STABILIZA-
19 TION PROJECT.—The term “Swiftcurrent Creek
20 Bank Stabilization Project” means the project to
21 mitigate the physical and environmental problems
22 associated with the St. Mary Unit from Sherburne
23 Dam to the St. Mary River, as described in the re-
24 port entitled “Boulder/Swiftcurrent Creek Stabiliza-

tion Project, Phase II Investigations Report”, prepared by DOWL HKM, and dated March 2012.

(20) TRIBAL WATER RIGHTS.—The term “Tribal water rights” means the water rights of the Tribe described in article III of the Compact and this title, including—

(A) the Lake Elwell allocation provided to the Tribe under section 9009; and

(B) the instream flow water rights described in section 9019.

(21) TRIBE.—The term “Tribe” means the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

SEC. 9004. RATIFICATION OF COMPACT.

(a) RATIFICATION.—

(1) IN GENERAL.—As modified by this title, the Compact is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Compact is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Compact consistent with this title.

(b) EXECUTION.—

(1) IN GENERAL.—To the extent that the Compact does not conflict with this title, the Secretary shall execute the Compact, including all exhibits to,

1 or parts of, the Compact requiring the signature of
2 the Secretary.

3 (2) MODIFICATIONS.—Nothing in this title pre-
4 cludes the Secretary from approving any modifica-
5 tion to an appendix or exhibit to the Compact that
6 is consistent with this title, to the extent that the
7 modification does not otherwise require congres-
8 sional approval under section 2116 of the Revised
9 Statutes (25 U.S.C. 177) or any other applicable
10 provision of Federal law.

11 (c) ENVIRONMENTAL COMPLIANCE.—

12 (1) IN GENERAL.—In implementing the Com-
13 pact and this title, the Secretary shall comply with
14 all applicable provisions of—

15 (A) the Endangered Species Act of 1973
16 (16 U.S.C. 1531 et seq.);

17 (B) the National Environmental Policy Act
18 of 1969 (42 U.S.C. 4321 et seq.); and

19 (C) all other applicable environmental laws
20 and regulations.

21 (2) EFFECT OF EXECUTION.—

22 (A) IN GENERAL.—The execution of the
23 Compact by the Secretary under this section
24 shall not constitute a major Federal action for

1 purposes of the National Environmental Policy
2 Act of 1969 (42 U.S.C. 4321 et seq.).

3 (B) COMPLIANCE.—The Secretary shall
4 carry out all Federal compliance activities nec-
5 essary to implement the Compact and this title.

6 **SEC. 9005. MILK RIVER WATER RIGHT.**

7 (a) IN GENERAL.—With respect to the Milk River
8 water right, the Tribe—

9 (1) may continue the historical uses and the
10 uses in existence on the date of enactment of this
11 title; and

12 (2) except as provided in article III.F.1.d of the
13 Compact, shall not develop new uses until the date
14 on which—

15 (A) the Tribe has entered into the agree-
16 ment described in subsection (c); or

17 (B) the Secretary has established the
18 terms and conditions described in subsection
19 (e).

20 (b) WATER RIGHTS ARISING UNDER STATE LAW.—
21 With respect to any water rights arising under State law
22 in the Milk River Basin owned or acquired by the Tribe,
23 the Tribe—

24 (1) may continue any use in existence on the
25 date of enactment of this title; and

(2) shall not change any use until the date on which—

(A) the Tribe has entered into the agreement described in subsection (c); or

(B) the Secretary has established the terms and conditions described in subsection (e).

(c) TRIBAL AGREEMENT.—

(1) IN GENERAL.—In consultation with the Commissioner of Reclamation and the Director of the Bureau of Indian Affairs, the Tribe and the Fort Belknap Indian Community shall enter into an agreement to provide for the exercise of their respective water rights on the respective reservations of the Tribe and the Fort Belknap Indian Community in the Milk River.

(2) CONSIDERATIONS.—The agreement entered into under paragraph (1) shall take into consideration—

(A) the equal priority dates of the 2 Indian tribes;

(B) the water supplies of the Milk River; and

(C) historical, current, and future uses identified by each Indian tribe.

1 (d) SECRETARIAL DETERMINATION.—

2 (1) IN GENERAL.—Not later than 120 days
3 after the date on which the agreement described in
4 subsection (c) is submitted to the Secretary, the Sec-
5 retary shall review and approve or disapprove the
6 agreement.

7 (2) APPROVAL.—The Secretary shall approve
8 the agreement if the Secretary finds that the agree-
9 ment—

10 (A) equitably accommodates the interests
11 of each Indian tribe in the Milk River;

12 (B) adequately considers the factors de-
13 scribed in subsection (c)(2); and

14 (C) is otherwise in accordance with appli-
15 cable law.

16 (3) DEADLINE EXTENSION.—The deadline to
17 review the agreement described in paragraph (1)
18 may be extended by the Secretary after consultation
19 with the Tribe and the Fort Belknap Indian Com-
20 munity.

21 (e) SECRETARIAL DECISION.—

22 (1) IN GENERAL.—If the Tribe and the Fort
23 Belknap Indian Community do not, by 3 years after
24 the Secretary certifies under section 9020(f)(5) that
25 the Tribal membership has approved the Compact

1 and this title, enter into an agreement approved
2 under subsection (d)(2), the Secretary, in the Sec-
3 retary's sole discretion, shall establish, after con-
4 sultation with the Tribe and the Fort Belknap In-
5 dian Community, terms and conditions that reflect
6 the considerations described in subsection (c)(2) by
7 which the respective water rights of the Tribe and
8 the Fort Belknap Indian Community in the Milk
9 River may be exercised.

10 (2) CONSIDERATION AS FINAL AGENCY AC-
11 TION.—The establishment by the Secretary of terms
12 and conditions under paragraph (1) shall be consid-
13 ered to be a final agency action for purposes of re-
14 view under chapter 7 of title 5, United States Code.

15 (3) JUDICIAL REVIEW.—An action for judicial
16 review pursuant to this section shall be brought by
17 not later than the date that is 1 year after the date
18 of notification of the establishment of the terms and
19 conditions under this subsection.

20 (4) INCORPORATION INTO DECREES.—The
21 agreement under subsection (c), or the decision of
22 the Secretary under this subsection, shall be filed
23 with the Montana Water Court, or the district court
24 with jurisdiction, for incorporation into the final de-

1 crees of the Tribe and the Fort Belknap Indian
2 Community.

3 (5) EFFECTIVE DATE.—The agreement under
4 subsection (c) and a decision of the Secretary under
5 this subsection—

6 (A) shall be effective immediately; and

7 (B) may not be modified absent—

8 (i) the approval of the Secretary; and

9 (ii) the consent of the Tribe and the
10 Fort Belknap Indian Community.

11 (f) USE OF FUNDS.—The Secretary shall distribute
12 equally the funds made available under section
13 9018(a)(2)(C)(ii) to the Tribe and the Fort Belknap In-
14 dian Community to use to reach an agreement under this
15 section, including for technical analyses and legal and
16 other related efforts.

17 **SEC. 9006. WATER DELIVERY THROUGH MILK RIVER**
18 **PROJECT.**

19 (a) IN GENERAL.—Subject to the availability of ap-
20 propriations, the Secretary, acting through the Commis-
21 sioner of Reclamation, shall carry out the activities au-
22 thorized under this section with respect to the St. Mary
23 River water right.

24 (b) TREATMENT.—Notwithstanding article IV.D.4 of
25 the Compact, any responsibility of the United States with

1 respect to the St. Mary River water right shall be limited
2 to, and fulfilled pursuant to—

3 (1) subsection (c) of this section; and

4 (2) subsection (b)(3) of section 9016 and sub-
5 section (a)(1)(C) of section 9018.

6 (c) WATER DELIVERY CONTRACT.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the enforceability date, the Secretary shall
9 enter into a water delivery contract with the Tribe
10 for the delivery of not greater than 5,000 acre-feet
11 per year of the St. Mary River water right through
12 Milk River Project facilities to the Tribe or another
13 entity specified by the Tribe.

14 (2) TERMS AND CONDITIONS.—The contract
15 under paragraph (1) shall establish the terms and
16 conditions for the water deliveries described in para-
17 graph (1) in accordance with the Compact and this
18 title.

19 (3) REQUIREMENTS.—The water delivery con-
20 tract under paragraph (1) shall include provisions
21 requiring that—

22 (A) the contract shall be without limit as
23 to term;

24 (B) the Tribe, and not the United States,
25 shall collect, and shall be entitled to, all consid-

1 eration due to the Tribe under any lease, con-
2 tract, or agreement entered into by the Tribe
3 pursuant to subsection (f);

4 (C) the United States shall have no obliga-
5 tion to monitor, administer, or account for—

6 (i) any funds received by the Tribe as
7 consideration under any lease, contract, or
8 agreement entered into by the Tribe pursu-
9 ant to subsection (f); or

10 (ii) the expenditure of such funds;

11 (D) if water deliveries under the contract
12 are interrupted for an extended period of time
13 because of damage to, or a reduction in the ca-
14 pacity of, St. Mary Unit facilities, the rights of
15 the Tribe shall be treated in the same manner
16 as the rights of other contractors receiving
17 water deliveries through the Milk River Project
18 with respect to the water delivered under this
19 section;

20 (E) deliveries of water under this section
21 shall be—

22 (i) limited to not greater than 5,000
23 acre-feet of water in any 1 year;

24 (ii) consistent with operations of the
25 Milk River Project and without additional

costs to the Bureau of Reclamation, including operation, maintenance, and replacement costs; and

(iii) without additional cost to the Milk River Project water users; and

(F) the Tribe shall be required to pay OM&R for water delivered under this section.

(d) SHORTAGE SHARING OR REDUCTION.—

(1) IN GENERAL.—The 5,000 acre-feet per year of water delivered under paragraph (3)(E)(i) of subsection (c) shall not be subject to shortage sharing or reduction, except as provided in paragraph (3)(D) of that subsection.

(2) NO INJURY TO MILK RIVER PROJECT WATER USERS.—Notwithstanding article IV.D.4 of the Compact, any reduction in the Milk River Project water supply caused by the delivery of water under subsection (c) shall not constitute injury to Milk River Project water users.

(e) SUBSEQUENT CONTRACTS.—

(1) IN GENERAL.—As part of the studies authorized by section 9007(c)(1), the Secretary, acting through the Commissioner of Reclamation, and in cooperation with the Tribe, shall identify alternatives to provide to the Tribe water from the St. Mary

1 River water right in quantities greater than the
2 5,000 acre-feet per year of water described in sub-
3 section (c)(3)(E)(i).

4 (2) CONTRACT FOR WATER DELIVERY.—If the
5 Secretary determines under paragraph (1) that more
6 than 5,000 acre-feet per year of the St. Mary River
7 water right can be delivered to the Tribe, the Sec-
8 retary shall offer to enter into 1 or more contracts
9 with the Tribe for the delivery of that water, subject
10 to the requirements of subsection (c)(3), except sub-
11 section (c)(3)(E)(i), and this subsection.

12 (3) TREATMENT.—Any delivery of water under
13 this subsection shall be subject to reduction in the
14 same manner as for Milk River Project contract
15 holders.

16 (f) SUBCONTRACTS.—

17 (1) IN GENERAL.—The Tribe may enter into
18 any subcontract for the delivery of water under this
19 section to a third party, in accordance with section
20 9015(e).

21 (2) COMPLIANCE WITH OTHER LAW.—All sub-
22 contracts described in paragraph (1) shall comply
23 with—

24 (A) this title;

25 (B) the Compact;

1 (C) the tribal water code; and

2 (D) other applicable law.

3 (3) NO LIABILITY.—The Secretary shall not be
4 liable to any party, including the Tribe, for any term
5 of, or any loss or other detriment resulting from, a
6 lease, contract, or other agreement entered into pur-
7 suant to this subsection.

8 (g) EFFECT OF PROVISIONS.—Nothing in this sec-
9 tion—

10 (1) precludes the Tribe from taking the water
11 described in subsection (c)(3)(E)(i), or any addi-
12 tional water provided under subsection (e), from the
13 direct flow of the St. Mary River; or

14 (2) modifies the quantity of the Tribal water
15 rights described in article III.G.1 of the Compact.

16 (h) OTHER RIGHTS.—Notwithstanding the require-
17 ments of article III.G.1.d of the Compact, after satisfac-
18 tion of all water rights under State law for use of St. Mary
19 River water, including the Milk River Project water rights,
20 the Tribe shall have the right to the remaining portion
21 of the share of the United States in the St. Mary River
22 under the International Boundary Waters Treaty of 1909
23 (36 Stat. 2448) for any tribally authorized use or need
24 consistent with this title.

1 **SEC. 9007. BUREAU OF RECLAMATION ACTIVITIES TO IM-**
2 **PROVE WATER MANAGEMENT.**

3 (a) MILK RIVER PROJECT PURPOSES.—The pur-
4 poses of the Milk River Project shall include—

- 5 (1) irrigation;
- 6 (2) flood control;
- 7 (3) the protection of fish and wildlife;
- 8 (4) recreation;
- 9 (5) the provision of municipal, rural, and indus-
10 trial water supply; and
- 11 (6) hydroelectric power generation.

12 (b) USE OF MILK RIVER PROJECT FACILITIES FOR
13 THE BENEFIT OF TRIBE.—The use of Milk River Project
14 facilities to transport water for the Tribe pursuant to sub-
15 sections (c) and (e) of section 9006, together with any use
16 by the Tribe of that water in accordance with this title—

- 17 (1) shall be considered to be an authorized pur-
18 pose of the Milk River Project; and
- 19 (2) shall not change the priority date of any
20 Tribal water rights.

21 (c) ST. MARY RIVER STUDIES.—

22 (1) IN GENERAL.—Subject to the availability of
23 appropriations, the Secretary, in cooperation with
24 the Tribe and the State, shall conduct—

- 25 (A) an appraisal study—

1 (i) to develop a plan for the manage-
2 ment and development of water supplies in
3 the St. Mary River Basin and Milk River
4 Basin, including the St. Mary River and
5 Milk River water supplies for the Tribe
6 and the Milk River water supplies for the
7 Fort Belknap Indian Community; and

8 (ii) to identify alternatives to develop
9 additional water of the St. Mary River for
10 the Tribe; and

11 (B) a feasibility study—

12 (i) using the information resulting
13 from the appraisal study conducted under
14 paragraph (1) and such other information
15 as is relevant, to evaluate the feasibility
16 of—

17 (I) alternatives for the rehabilita-
18 tion of the St. Mary Diversion Dam
19 and Canal; and

20 (II) increased storage in Fresno
21 Dam and Reservoir; and

22 (ii) to create a cost allocation study
23 that is based on the authorized purposes
24 described in subsections (a) and (b).

1 (2) COOPERATIVE AGREEMENT.—On request of
2 the Tribe, the Secretary shall enter into a coopera-
3 tive agreement with the Tribe with respect to the
4 portion of the appraisal study described in para-
5 graph (1)(A).

6 (3) COSTS NONREIMBURSABLE.—The cost of
7 the studies under this subsection shall not be—

8 (A) considered to be a cost of the Milk
9 River Project; or

10 (B) reimbursable in accordance with the
11 reclamation laws.

12 (d) SWIFTCURRENT CREEK BANK STABILIZATION.—

13 (1) IN GENERAL.—Subject to the availability of
14 appropriations, the Secretary, acting through the
15 Commissioner of Reclamation, shall carry out appro-
16 priate activities concerning the Swiftcurrent Creek
17 Bank Stabilization Project, including—

18 (A) a review of the final project design;

19 and

20 (B) value engineering analyses.

21 (2) MODIFICATION OF FINAL DESIGN.—Prior to
22 beginning construction activities for the Swiftcurrent
23 Creek Bank Stabilization Project, on the basis of the
24 review conducted under paragraph (1), the Secretary

1 shall negotiate with the Tribe appropriate changes,
2 if any, to the final design—

3 (A) to ensure compliance with applicable
4 industry standards;

5 (B) to improve the cost-effectiveness of the
6 Swiftcurrent Creek Bank Stabilization Project;
7 and

8 (C) to ensure that the Swiftcurrent Creek
9 Bank Stabilization Project may be constructed
10 using only the amounts made available under
11 section 9018.

12 (3) APPLICABILITY OF ISDEAA.—At the request
13 of the Tribe, and in accordance with the Indian Self-
14 Determination and Education Assistance Act (25
15 U.S.C. 5301 et seq.), the Secretary shall enter into
16 1 or more agreements with the Tribe to carry out
17 the Swiftcurrent Bank Stabilization Project.

18 (e) ADMINISTRATION.—The Commissioner of Rec-
19 lamation and the Tribe shall negotiate the cost of any
20 oversight activity carried out by the Bureau of Reclama-
21 tion under any agreement entered into under this section,
22 subject to the condition that the total cost for the over-
23 sight shall not exceed 4 percent of the total costs incurred
24 under this section.

1 (f) MILK RIVER PROJECT RIGHTS-OF-WAY AND
2 EASEMENTS.—

3 (1) IN GENERAL.—Subject to paragraphs (2)
4 and (3), the Tribe shall grant the United States a
5 right-of-way on Reservation land owned by the Tribe
6 for all uses by the Milk River Project (permissive or
7 otherwise) in existence as of December 31, 2015, in-
8 cluding all facilities, flowage easements, and access
9 easements necessary for the operation and mainte-
10 nance of the Milk River Project.

11 (2) AGREEMENT REGARDING EXISTING USES.—
12 The Tribe and the Secretary shall enter into an
13 agreement for a process to determine the location,
14 nature, and extent of the existing uses referenced in
15 this subsection. The agreement shall require that—

16 (A) a panel of 3 individuals determine the
17 location, nature, and extent of existing uses
18 necessary for the operation and maintenance of
19 the Milk River Project (the “Panel Determina-
20 tion”), with the Tribe appointing 1 representa-
21 tive of the Tribe, the Secretary appointing 1
22 representative of the Secretary, and those 2
23 representatives jointly appointing a third indi-
24 vidual;

1 (B) if the Panel Determination is unani-
2 mous, the Tribe grant a right-of-way to the
3 United States for the existing uses identified in
4 the Panel Determination in accordance with ap-
5 plicable law without additional compensation;

6 (C) if the Panel Determination is not
7 unanimous—

8 (i) the Secretary adopt the Panel De-
9 termination with any amendments the Sec-
10 retary reasonably determines necessary to
11 correct any clear error (the “Interior De-
12 termination”), provided that if any portion
13 of the Panel Determination is unanimous,
14 the Secretary will not amend that portion;
15 and

16 (ii) the Tribe grant a right-of-way to
17 the United States for the existing uses
18 identified in the Interior Determination in
19 accordance with applicable law without ad-
20 ditional compensation, with the agreement
21 providing for the timing of the grant to
22 take into consideration the possibility of
23 review under paragraph (5).

24 (3) EFFECT.—Determinations made under this
25 subsection—

1 (A) do not address title as between the
 2 United States and the Tribe; and

3 (B) do not apply to any new use of Res-
 4 ervation land by the United States for the Milk
 5 River Project after December 31, 2015.

6 (4) INTERIOR DETERMINATION AS FINAL AGEN-
 7 CY ACTION.—Any determination by the Secretary
 8 under paragraph (2)(C) shall be considered to be a
 9 final agency action for purposes of review under
 10 chapter 7 of title 5, United States Code.

11 (5) JUDICIAL REVIEW.—An action for judicial
 12 review pursuant to this section shall be brought by
 13 not later than the date that is 1 year after the date
 14 of notification of the Interior Determination.

15 (g) FUNDING.—The total amount of obligations in-
 16 curred by the Secretary shall not exceed—

- 17 (1) \$3,800,000 to carry out subsection (c);
- 18 (2) \$20,700,000 to carry out subsection (d);
- 19 and
- 20 (3) \$3,100,000 to carry out subsection (f).

21 **SEC. 9008. ST. MARY CANAL HYDROELECTRIC POWER GEN-**
 22 **ERATION.**

23 (a) BUREAU OF RECLAMATION JURISDICTION.—Ef-
 24 fective beginning on the date of enactment of this title,
 25 the Commissioner of Reclamation shall have exclusive ju-

1 jurisdiction to authorize the development of hydropower on
2 the St. Mary Unit.

3 (b) RIGHTS OF TRIBE.—

4 (1) EXCLUSIVE RIGHT OF TRIBE.—Subject to
5 paragraph (2) and notwithstanding any other provi-
6 sion of law, the Tribe shall have the exclusive right
7 to develop and market hydroelectric power of the St.
8 Mary Unit.

9 (2) LIMITATIONS.—The exclusive right de-
10 scribed in paragraph (1)—

11 (A) shall expire on the date that is 15
12 years after the date of enactment of an Act ap-
13 propriating funds for rehabilitation of the St.
14 Mary Unit; but

15 (B) may be extended by the Secretary at
16 the request of the Tribe.

17 (3) OM&R COSTS.—Effective beginning on the
18 date that is 10 years after the date on which the
19 Tribe begins marketing hydroelectric power gen-
20 erated from the St. Mary Unit to any third party,
21 the Tribe shall make annual payments for operation,
22 maintenance, and replacement costs attributable to
23 the direct use of any facilities by the Tribe for hy-
24 droelectric power generation, in amounts determined
25 in accordance with the guidelines and methods of the

1 Bureau of Reclamation for assessing operation,
2 maintenance, and replacement charges.

3 (c) BUREAU OF RECLAMATION COOPERATION.—The
4 Commissioner of Reclamation shall cooperate with the
5 Tribe in the development of any hydroelectric power gen-
6 eration project under this section.

7 (d) AGREEMENT.—Before construction of a hydro-
8 electric power generation project under this section, the
9 Tribe shall enter into an agreement with the Commis-
10 sioner of Reclamation that includes provisions—

11 (1) requiring that—

12 (A) the design, construction, and operation
13 of the project shall be consistent with the Bu-
14 reau of Reclamation guidelines and methods for
15 hydroelectric power development at Bureau fa-
16 cilities, as appropriate; and

17 (B) the hydroelectric power generation
18 project will not impair the efficiencies of the
19 Milk River Project for authorized purposes;

20 (2) regarding construction and operating cri-
21 teria and emergency procedures; and

22 (3) under which any modification proposed by
23 the Tribe to a facility owned by the Bureau of Rec-
24 lamation shall be subject to review and approval by

1 the Secretary, acting through the Commissioner of
2 Reclamation.

3 (e) USE OF HYDROELECTRIC POWER BY TRIBE.—

4 Any hydroelectric power generated in accordance with this
5 section shall be used or marketed by the Tribe.

6 (f) REVENUES.—The Tribe shall collect and retain
7 any revenues from the sale of hydroelectric power gen-
8 erated by a project under this section.

9 (g) LIABILITY OF UNITED STATES.—The United
10 States shall have no obligation to monitor, administer, or
11 account for—

12 (1) any revenues received by the Tribe under
13 this section; or

14 (2) the expenditure of those revenues.

15 (h) PREFERENCE.—During any period for which the
16 exclusive right of the Tribe described in subsection (b)(1)
17 is not in effect, the Tribe shall have a preference to de-
18 velop hydropower on the St. Mary Unit facilities, in ac-
19 cordance with Bureau of Reclamation guidelines and
20 methods for hydroelectric power development at Bureau
21 facilities.

22 **SEC. 9009. STORAGE ALLOCATION FROM LAKE ELWELL.**

23 (a)(1) STORAGE ALLOCATION TO TRIBE.—The Sec-
24 retary shall allocate to the Tribe 45,000 acre-feet per year
25 of water stored in Lake Elwell for use by the Tribe for

1 any beneficial purpose on or off the Reservation, under
2 a water right held by the United States and managed by
3 the Bureau of Reclamation, as measured at the outlet
4 works of Tiber Dam or through direct pumping from Lake
5 Elwell.

6 (2) REDUCTION.—Up to 10,000 acre-feet per year of
7 water allocated to the Tribe pursuant to paragraph (1)
8 will be subject to an acre-foot for acre-foot reduction if
9 depletions from the Tribal water rights above Lake Elwell
10 exceed 88,000 acre-feet per year of water because of New
11 Development (as defined in article II.37 of the Compact).

12 (b) TREATMENT.—

13 (1) IN GENERAL.—The allocation to the Tribe
14 under subsection (a) shall be considered to be part
15 of the Tribal water rights.

16 (2) PRIORITY DATE.—The priority date of the
17 allocation to the Tribe under subsection (a) shall be
18 the priority date of the Lake Elwell water right held
19 by the Bureau of Reclamation.

20 (3) ADMINISTRATION.—The Tribe shall admin-
21 ister the water allocated under subsection (a) in ac-
22 cordance with the Compact and this title.

23 (c) ALLOCATION AGREEMENT.—

24 (1) IN GENERAL.—As a condition of receiving
25 an allocation under this section, the Tribe shall

1 enter into an agreement with the Secretary to estab-
2 lish the terms and conditions of the allocation, in ac-
3 cordance with the Compact and this title.

4 (2) INCLUSIONS.—The agreement under para-
5 graph (1) shall include provisions establishing that—

6 (A) the agreement shall be without limit as
7 to term;

8 (B) the Tribe, and not the United States,
9 shall be entitled to all consideration due to the
10 Tribe under any lease, contract, or agreement
11 entered into by the Tribe pursuant to sub-
12 section (d);

13 (C) the United States shall have no obliga-
14 tion to monitor, administer, or account for—

15 (i) any funds received by the Tribe as
16 consideration under any lease, contract, or
17 agreement entered into by the Tribe pursu-
18 ant to subsection (d); or

19 (ii) the expenditure of those funds;

20 (D) if the capacity or function of Lake
21 Elwell facilities are significantly reduced, or are
22 anticipated to be significantly reduced, for an
23 extended period of time, the Tribe shall have
24 the same rights as other storage contractors
25 with respect to the allocation under this section;

1 (E) the costs associated with the construc-
2 tion of the storage facilities at Tiber Dam allo-
3 cable to the Tribe shall be nonreimbursable;

4 (F) no water service capital charge shall be
5 due or payable for any water allocated to the
6 Tribe pursuant to this section or the allocation
7 agreement, regardless of whether that water is
8 delivered for use by the Tribe or under a lease,
9 contract, or by agreement entered into by the
10 Tribe pursuant to subsection (d);

11 (G) the Tribe shall not be required to
12 make payments to the United States for any
13 water allocated to the Tribe under this title or
14 the allocation agreement, except for each acre-
15 foot of stored water leased or transferred for in-
16 dustrial purposes as described in subparagraph
17 (H);

18 (H) for each acre-foot of stored water
19 leased or transferred by the Tribe for industrial
20 purposes—

21 (i) the Tribe shall pay annually to the
22 United States an amount necessary to
23 cover the proportional share of the annual
24 operation, maintenance, and replacement
25 costs allocable to the quantity of water

1 leased or transferred by the Tribe for in-
2 dustrial purposes; and

3 (ii) the annual payments of the Tribe
4 shall be reviewed and adjusted, as appro-
5 priate, to reflect the actual operation,
6 maintenance, and replacement costs for
7 Tiber Dam; and

8 (I) the adjustment process identified in
9 subsection (a)(2) will be based on specific enu-
10 merated provisions.

11 (d) AGREEMENTS BY TRIBE.—The Tribe may use,
12 lease, contract, exchange, or enter into other agreements
13 for use of the water allocated to the Tribe under sub-
14 section (a), if—

15 (1) the use of water that is the subject of such
16 an agreement occurs within the Missouri River
17 Basin; and

18 (2) the agreement does not permanently alien-
19 ate any portion of the water allocated to the Tribe
20 under subsection (a).

21 (e) EFFECTIVE DATE.—The allocation under sub-
22 section (a) takes effect on the enforceability date.

23 (f) NO CARRYOVER STORAGE.—The allocation under
24 subsection (a) shall not be increased by any year-to-year
25 carryover storage.

1 (g) DEVELOPMENT AND DELIVERY COSTS.—The
 2 United States shall not be required to pay the cost of de-
 3 veloping or delivering any water allocated under this sec-
 4 tion.

5 **SEC. 9010. IRRIGATION ACTIVITIES.**

6 (a) IN GENERAL.—Subject to the availability of ap-
 7 propriations, the Secretary, acting through the Commis-
 8 sioner of Reclamation and in accordance with subsection
 9 (c), shall carry out the following actions relating to the
 10 Blackfeet Irrigation Project:

11 (1) Deferred maintenance.

12 (2) Dam safety improvements for Four Horns
 13 Dam.

14 (3) Rehabilitation and enhancement of the Four
 15 Horns Feeder Canal, Dam, and Reservoir.

16 (b) LEAD AGENCY.—The Bureau of Reclamation
 17 shall serve as the lead agency with respect to any activities
 18 carried out under this section.

19 (c) SCOPE OF DEFERRED MAINTENANCE ACTIVITIES
 20 AND FOUR HORNS DAM SAFETY IMPROVEMENTS.—

21 (1) IN GENERAL.—Subject to the conditions de-
 22 scribed in paragraph (2), the scope of the deferred
 23 maintenance activities and Four Horns Dam safety
 24 improvements shall be as generally described in—

1 (A) the document entitled “Engineering
 2 Evaluation and Condition Assessment, Black-
 3 feet Irrigation Project”, prepared by DOWL
 4 HKM, and dated August 2007; and

5 (B) the provisions relating to Four Horns
 6 Rehabilitated Dam of the document entitled
 7 “Four Horns Dam Enlarged Appraisal Evalua-
 8 tion Design Report”, prepared by DOWL
 9 HKM, and dated April 2007.

10 (2) CONDITIONS.—The conditions referred to in
 11 paragraph (1) are that, before commencing construc-
 12 tion activities, the Secretary shall—

13 (A) review the design of the proposed reha-
 14 bilitation or improvement;

15 (B) perform value engineering analyses;

16 (C) perform appropriate Federal environ-
 17 mental compliance activities; and

18 (D) ensure that the deferred maintenance
 19 activities and dam safety improvements may be
 20 constructed using only the amounts made avail-
 21 able under section 9018.

22 (d) SCOPE OF REHABILITATION AND ENHANCEMENT
 23 OF FOUR HORNS FEEDER CANAL, DAM, AND RES-
 24 ERVOIR.—

1 (1) IN GENERAL.—The scope of the rehabilita-
2 tion and improvements shall be as generally de-
3 scribed in the document entitled “Four Horns Feed-
4 er Canal Rehabilitation with Export”, prepared by
5 DOWL HKM, and dated April 2013, subject to the
6 condition that, before commencing construction ac-
7 tivities, the Secretary shall—

8 (A) review the design of the proposed reha-
9 bilitation or improvement;

10 (B) perform value engineering analyses;

11 (C) perform appropriate Federal environ-
12 mental compliance activities; and

13 (D) ensure that the rehabilitation and im-
14 provements may be constructed using only the
15 amounts made available under section 9018.

16 (2) INCLUSIONS.—The activities carried out by
17 the Secretary under this subsection shall include—

18 (A) the rehabilitation or improvement of
19 the Four Horns feeder canal system to a capac-
20 ity of not fewer than 360 cubic feet per second;

21 (B) the rehabilitation or improvement of
22 the outlet works of Four Horns Dam and Res-
23 ervoir to deliver not less than 15,000 acre-feet
24 of water per year, in accordance with subpara-
25 graph (C); and

1 (C) construction of facilities to deliver not
2 less than 15,000 acre-feet of water per year
3 from Four Horns Dam and Reservoir, to a
4 point on or near Birch Creek to be designated
5 by the Tribe and the State for delivery of water
6 to the water delivery system of the Pondera
7 County Canal and Reservoir Company on Birch
8 Creek, in accordance with the Birch Creek
9 Agreement.

10 (3) NEGOTIATION WITH TRIBE.—On the basis
11 of the review described in paragraph (1)(A), the Sec-
12 retary shall negotiate with the Tribe appropriate
13 changes to the final design of any activity under this
14 subsection to ensure that the final design meets ap-
15 plicable industry standards.

16 (e) FUNDING.—The total amount of obligations in-
17 curred by the Secretary in carrying out this section shall
18 not exceed \$54,900,000, of which—

19 (1) \$40,900,000 shall be allocated to carry out
20 the activities described in subsection (c); and

21 (2) \$14,000,000 shall be allocated to carry out
22 the activities described in subsection (d)(2).

23 (f) NONREIMBURSABILITY OF COSTS.—All costs in-
24 curred by the Secretary in carrying out this section shall
25 be nonreimbursable.

1 (g) NON-FEDERAL CONTRIBUTION.—No part of the
2 project under subsection (d) shall be commenced until the
3 State has made available \$20,000,000 to carry out the ac-
4 tivities described in subsection (d)(2).

5 (h) ADMINISTRATION.—The Commissioner of Rec-
6 lamation and the Tribe shall negotiate the cost of any
7 oversight activity carried out by the Bureau of Reclama-
8 tion under any agreement entered into under subsection
9 (m), subject to the condition that the total cost for the
10 oversight shall not exceed 4 percent of the total project
11 costs for each project.

12 (i) PROJECT EFFICIENCIES.—If the total cost of
13 planning, design, and construction activities relating to
14 the projects described in this section results in cost sav-
15 ings and is less than the amounts authorized to be obli-
16 gated, the Secretary, at the request of the Tribe, may—

17 (1) use those cost savings to carry out a project
18 described in section 9007(d), 9011, 9012, or 9013;
19 or

20 (2) deposit those cost savings to the Blackfeet
21 OM&R Trust Account.

22 (j) OWNERSHIP BY TRIBE OF BIRCH CREEK DELIV-
23 ERY FACILITIES.—Notwithstanding any other provision of
24 law, the Secretary shall transfer to the Tribe, at no cost,

1 title in and to the facilities constructed under subsection
2 (d)(2)(C).

3 (k) OWNERSHIP, OPERATION, AND MAINTENANCE.—

4 On transfer to the Tribe of title under subsection (j), the
5 Tribe shall—

6 (1) be responsible for OM&R in accordance with
7 the Birch Creek Agreement; and

8 (2) enter into an agreement with the Bureau of
9 Indian Affairs regarding the operation of the facili-
10 ties described in that subsection.

11 (l) LIABILITY OF UNITED STATES.—The United
12 States shall have no obligation or responsibility with re-
13 spect the facilities described in subsection (d)(2)(C).

14 (m) APPLICABILITY OF ISDEAA.—At the request of
15 the Tribe, and in accordance with the Indian Self-Deter-
16 mination and Education Assistance Act (25 U.S.C. 5301
17 et seq.), the Secretary shall enter into 1 or more agree-
18 ments with the Tribe to carry out this section.

19 (n) EFFECT.—Nothing in this section—

20 (1) alters any applicable law (including regula-
21 tions) under which the Bureau of Indian Affairs col-
22 lects assessments or carries out Blackfeet Irrigation
23 Project OM&R; or

24 (2) impacts the availability of amounts made
25 available under subsection (a)(1)(B) of section 9018.

1 **SEC. 9011. DESIGN AND CONSTRUCTION OF MR&I SYSTEM.**

2 (a) IN GENERAL.—Subject to the availability of ap-
3 propriations, the Secretary, acting through the Commis-
4 sioner of Reclamation, shall plan, design, and construct
5 the water diversion and delivery features of the MR&I Sys-
6 tem in accordance with 1 or more agreements between the
7 Secretary and the Tribe.

8 (b) LEAD AGENCY.—The Bureau of Reclamation
9 shall serve as the lead agency with respect to any activity
10 to design and construct the water diversion and delivery
11 features of the MR&I System.

12 (c) SCOPE.—

13 (1) IN GENERAL.—The scope of the design and
14 construction under this section shall be as generally
15 described in the document entitled “Blackfeet Re-
16 gional Water System”, prepared by DOWL HKM,
17 dated June 2010, and modified by DOWL HKM in
18 the addendum to the report dated March 2013, sub-
19 ject to the condition that, before commencing final
20 design and construction activities, the Secretary
21 shall—

22 (A) review the design of the proposed reha-
23 bilitation and construction;

24 (B) perform value engineering analyses;
25 and

1 (C) perform appropriate Federal compli-
2 ance activities.

3 (2) NEGOTIATION WITH TRIBE.—On the basis
4 of the review described in paragraph (1)(A), the Sec-
5 retary shall negotiate with the Tribe appropriate
6 changes, if any, to the final design—

7 (A) to ensure that the final design meets
8 applicable industry standards;

9 (B) to improve the cost-effectiveness of the
10 delivery of MR&I System water; and

11 (C) to ensure that the MR&I System may
12 be constructed using only the amounts made
13 available under section 9018.

14 (d) NONREIMBURSABILITY OF COSTS.—All costs in-
15 curred by the Secretary in carrying out this section shall
16 be nonreimbursable.

17 (e) FUNDING.—The total amount of obligations in-
18 curred by the Secretary in carrying out this section shall
19 not exceed \$76,200,000.

20 (f) NON-FEDERAL CONTRIBUTION.—

21 (1) CONSULTATION.—Before completion of the
22 final design of the MR&I System required by sub-
23 section (c), the Secretary shall consult with the
24 Tribe, the State, and other affected non-Federal
25 parties to discuss the possibility of receiving non-

1 Federal contributions for the cost of the MR&I Sys-
2 tem.

3 (2) NEGOTIATIONS.—If, based on the extent to
4 which non-Federal parties are expected to use the
5 MR&I System, a non-Federal contribution to the
6 MR&I System is determined by the parties described
7 in paragraph (1) to be appropriate, the Secretary
8 shall initiate negotiations for an agreement regard-
9 ing the means by which the contributions shall be
10 provided.

11 (g) OWNERSHIP BY TRIBE.—Title to the MR&I Sys-
12 tem and all facilities rehabilitated or constructed under
13 this section shall be held by the Tribe.

14 (h) ADMINISTRATION.—The Commissioner of Rec-
15 lamation and the Tribe shall negotiate the cost of any
16 oversight activity carried out by the Bureau of Reclama-
17 tion under any agreement entered into under this section,
18 subject to the condition that the total cost for the over-
19 sight shall not exceed 4 percent of the total costs incurred
20 under this section.

21 (i) OM&R COSTS.—The Federal Government shall
22 have no obligation to pay for the operation, maintenance,
23 or replacement costs for any facility rehabilitated or con-
24 structed under this section.

1 (j) PROJECT EFFICIENCIES.—If the total cost of
 2 planning, design, and construction activities relating to
 3 the projects described in this section results in cost sav-
 4 ings and is less than the amounts authorized to be obli-
 5 gated, the Secretary, at the request of the Tribe, may—

6 (1) use those cost savings to carry out a project
 7 described in section 9007(d), 9010, 9011(a), 9012,
 8 or 9013; or

9 (2) deposit those cost savings to the Blackfeet
 10 OM&R Trust Account.

11 (k) APPLICABILITY OF ISDEAA.—At the request of
 12 the Tribe, and in accordance with the Indian Self-Deter-
 13 mination and Education Assistance Act (25 U.S.C. 5301
 14 et seq.), the Secretary shall enter into 1 or more agree-
 15 ments with the Tribe to carry out this section.

16 **SEC. 9012. DESIGN AND CONSTRUCTION OF WATER STOR-**
 17 **AGE AND IRRIGATION FACILITIES.**

18 (a) IN GENERAL.—Subject to the availability of ap-
 19 propriations, the Secretary, acting through the Commis-
 20 sioner of Reclamation, shall plan, design, and construct
 21 1 or more facilities to store water and support irrigation
 22 on the Reservation in accordance with 1 or more agree-
 23 ments between the Secretary and the Tribe.

24 (b) LEAD AGENCY.—The Bureau of Reclamation
 25 shall serve as the lead agency with respect to any activity

1 to design and construct the irrigation development and
2 water storage facilities described in subsection (c).

3 (c) SCOPE.—

4 (1) IN GENERAL.—The scope of the design and
5 construction under this section shall be as generally
6 described in the document entitled “Blackfeet Water
7 Storage, Development, and Project Report”, pre-
8 pared by DOWL HKM, and dated March 13, 2013,
9 as modified and agreed to by the Secretary and the
10 Tribe, subject to the condition that, before com-
11 mencing final design and construction activities, the
12 Secretary shall—

13 (A) review the design of the proposed con-
14 struction;

15 (B) perform value engineering analyses;
16 and

17 (C) perform appropriate Federal compli-
18 ance activities.

19 (2) MODIFICATION.—The Secretary may modify
20 the scope of construction for the projects described
21 in the document referred to in paragraph (1), if—

22 (A) the modified project is—

23 (i) similar in purpose to the proposed
24 projects; and

1 (ii) consistent with the purposes of
2 this title; and

3 (B) the Secretary has consulted with the
4 Tribe regarding any modification.

5 (3) NEGOTIATION WITH TRIBE.—On the basis
6 of the review described in paragraph (1)(A), the Sec-
7 retary shall negotiate with the Tribe appropriate
8 changes, if any, to the final design—

9 (A) to ensure that the final design meets
10 applicable industry standards;

11 (B) to improve the cost-effectiveness of any
12 construction; and

13 (C) to ensure that the projects may be con-
14 structed using only the amounts made available
15 under section 9018.

16 (d) NONREIMBURSABILITY OF COSTS.—All costs in-
17 curred by the Secretary in carrying out this section shall
18 be nonreimbursable.

19 (e) FUNDING.—The total amount of obligations in-
20 curred by the Secretary in carrying out this section shall
21 not exceed \$87,300,000.

22 (f) OWNERSHIP BY TRIBE.—Title to all facilities re-
23 habilitated or constructed under this section shall be held
24 by the Tribe, except that title to the Birch Creek Unit

1 of the Blackfeet Indian Irrigation Project shall remain
2 with the Bureau of Indian Affairs.

3 (g) ADMINISTRATION.—The Commissioner of Rec-
4 lamation and the Tribe shall negotiate the cost of any
5 oversight activity carried out by the Bureau of Reclama-
6 tion under any agreement entered into under this section,
7 subject to the condition that the total cost for the over-
8 sight shall not exceed 4 percent of the total costs incurred
9 under this section.

10 (h) OM&R COSTS.—The Federal Government shall
11 have no obligation to pay for the operation, maintenance,
12 or replacement costs for the facilities rehabilitated or con-
13 structed under this section.

14 (i) PROJECT EFFICIENCIES.—If the total cost of
15 planning, design, and construction activities relating to
16 the projects described in this section results in cost sav-
17 ings and is less than the amounts authorized to be obli-
18 gated, the Secretary, at the request of the Tribe, may—

19 (1) use those cost savings to carry out a project
20 described in section 9007(d), 9010, 9011, or 9013;
21 or

22 (2) deposit those cost savings to the Blackfeet
23 OM&R Trust Account.

24 (j) APPLICABILITY OF ISDEAA.—At the request of
25 the Tribe, and in accordance with the Indian Self-Deter-

mination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out this section.

SEC. 9013. BLACKFEET WATER, STORAGE, AND DEVELOPMENT PROJECTS.

(a) IN GENERAL.—

(1) SCOPE.—The scope of the construction under this section shall be as generally described in the document entitled “Blackfeet Water Storage, Development, and Project Report”, prepared by DOWL HKM, and dated March 13, 2013, as modified and agreed to by the Secretary and the Tribe.

(2) MODIFICATION.—The Tribe may modify the scope of the projects described in the document referred to in paragraph (1) if—

(A) the modified project is—

(i) similar to the proposed project;

and

(ii) consistent with the purposes of this title; and

(B) the modification is approved by the Secretary.

(b) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

1 (c) FUNDING.—The total amount of obligations in-
 2 curred by the Secretary in carrying out this section shall
 3 not exceed \$91,000,000.

4 (d) OM&R COSTS.—The Federal Government shall
 5 have no obligation to pay for the operation, maintenance,
 6 or replacement costs for the facilities rehabilitated or con-
 7 structed under this section.

8 (e) OWNERSHIP BY TRIBE.—Title to any facility con-
 9 structed under this section shall be held by the Tribe.

10 **SEC. 9014. EASEMENTS AND RIGHTS-OF-WAY.**

11 (a) TRIBAL EASEMENTS AND RIGHTS-OF-WAY.—

12 (1) IN GENERAL.—On request of the Secretary,
 13 the Tribe shall grant, at no cost to the United
 14 States, such easements and rights-of-way over tribal
 15 land as are necessary for the construction of the
 16 projects authorized by sections 9010 and 9011.

17 (2) JURISDICTION.—An easement or right-of-
 18 way granted by the Tribe pursuant to paragraph (1)
 19 shall not affect in any respect the civil or criminal
 20 jurisdiction of the Tribe over the easement or right-
 21 of-way.

22 (b) LANDOWNER EASEMENTS AND RIGHTS-OF-
 23 WAY.—In partial consideration for the construction activi-
 24 ties authorized by section 9011, and as a condition of re-
 25 ceiving service from the MR&I System, a landowner shall

1 grant, at no cost to the United States or the Tribe, such
2 easements and rights-of-way over the land of the land-
3 owner as may be necessary for the construction of the
4 MR&I System.

5 (c) LAND ACQUIRED BY UNITED STATES OR
6 TRIBE.—Any land acquired within the boundaries of the
7 Reservation by the United States on behalf of the Tribe,
8 or by the Tribe on behalf of the Tribe, in connection with
9 achieving the purposes of this title shall be held in trust
10 by the United States for the benefit of the Tribe.

11 **SEC. 9015. TRIBAL WATER RIGHTS.**

12 (a) CONFIRMATION OF TRIBAL WATER RIGHTS.—

13 (1) IN GENERAL.—The Tribal water rights are
14 ratified, confirmed, and declared to be valid.

15 (2) USE.—Any use of the Tribal water rights
16 shall be subject to the terms and conditions of the
17 Compact and this title.

18 (3) CONFLICT.—In the event of a conflict be-
19 tween the Compact and this title, the provisions of
20 this title shall control.

21 (b) INTENT OF CONGRESS.—It is the intent of Con-
22 gress to provide to each allottee benefits that are equiva-
23 lent to, or exceed, the benefits the allottees possess on the
24 day before the date of enactment of this title, taking into
25 consideration—

1 (1) the potential risks, cost, and time delay as-
2 sociated with litigation that would be resolved by the
3 Compact and this title;

4 (2) the availability of funding under this title
5 and from other sources;

6 (3) the availability of water from the Tribal
7 water rights; and

8 (4) the applicability of section 7 of the Act of
9 February 8, 1887 (25 U.S.C. 381), and this title to
10 protect the interests of allottees.

11 (c) TRUST STATUS OF TRIBAL WATER RIGHTS.—

12 The Tribal water rights—

13 (1) shall be held in trust by the United States
14 for the use and benefit of the Tribe and the allottees
15 in accordance with this title; and

16 (2) shall not be subject to forfeiture or aban-
17 donment.

18 (d) ALLOTTEES.—

19 (1) APPLICABILITY OF ACT OF FEBRUARY 8,
20 1887.—The provisions of section 7 of the Act of Feb-
21 ruary 8, 1887 (25 U.S.C. 381), relating to the use
22 of water for irrigation purposes shall apply to the
23 Tribal water rights.

1 (2) ENTITLEMENT TO WATER.—Any entitle-
2 ment to water of an allottee under Federal law shall
3 be satisfied from the Tribal water rights.

4 (3) ALLOCATIONS.—An allottee shall be entitled
5 to a just and equitable allocation of water for irriga-
6 tion purposes.

7 (4) CLAIMS.—

8 (A) EXHAUSTION OF REMEDIES.—Before
9 asserting any claim against the United States
10 under section 7 of the Act of February 8, 1887
11 (25 U.S.C. 381), or any other applicable law,
12 an allottee shall exhaust remedies available
13 under the tribal water code or other applicable
14 tribal law.

15 (B) ACTION FOR RELIEF.—After the ex-
16 haustion of all remedies available under the
17 tribal water code or other applicable tribal law,
18 an allottee may seek relief under section 7 of
19 the Act of February 8, 1887 (25 U.S.C. 381),
20 or other applicable law.

21 (5) AUTHORITY OF SECRETARY.—The Sec-
22 retary shall have the authority to protect the rights
23 of allottees in accordance with this section.

24 (e) AUTHORITY OF TRIBE.—

1 (1) IN GENERAL.—The Tribe shall have the au-
 2 thority to allocate, distribute, and lease the Tribal
 3 water rights for any use on the Reservation in ac-
 4 cordance with the Compact, this title, and applicable
 5 Federal law.

6 (2) OFF-RESERVATION USE.—The Tribe may
 7 allocate, distribute, and lease the Tribal water rights
 8 for off-Reservation use in accordance with the Com-
 9 pact, subject to the approval of the Secretary.

10 (3) LAND LEASES BY ALLOTTEES.—Notwith-
 11 standing paragraph (1), an allottee may lease any
 12 interest in land held by the allottee, together with
 13 any water right determined to be appurtenant to the
 14 interest in land, in accordance with the tribal water
 15 code.

16 (f) TRIBAL WATER CODE.—

17 (1) IN GENERAL.—Notwithstanding article
 18 IV.C.1 of the Compact, not later than 4 years after
 19 the date on which the Tribe ratifies the Compact in
 20 accordance with this title, the Tribe shall enact a
 21 tribal water code that provides for—

22 (A) the management, regulation, and gov-
 23 ernance of all uses of the Tribal water rights in
 24 accordance with the Compact and this title; and

1 (B) establishment by the Tribe of condi-
2 tions, permit requirements, and other require-
3 ments for the allocation, distribution, or use of
4 the Tribal water rights in accordance with the
5 Compact and this title.

6 (2) INCLUSIONS.—Subject to the approval of
7 the Secretary, the tribal water code shall provide—

8 (A) that use of water by allottees shall be
9 satisfied with water from the Tribal water
10 rights;

11 (B) a process by which an allottee may re-
12 quest that the Tribe provide water for irrigation
13 use in accordance with this title, including the
14 provision of water under any allottee lease
15 under section 4 of the Act of June 25, 1910
16 (25 U.S.C. 403);

17 (C) a due process system for the consider-
18 ation and determination by the Tribe of any re-
19 quest by an allottee (or a successor in interest
20 to an allottee) for an allocation of water for ir-
21 rigation purposes on allotted land, including a
22 process for—

23 (i) appeal and adjudication of any de-
24 nied or disputed distribution of water; and

1 (ii) resolution of any contested admin-
2 istrative decision; and

3 (D) a requirement that any allottee assert-
4 ing a claim relating to the enforcement of rights
5 of the allottee under the tribal water code, or
6 to the quantity of water allocated to land of the
7 allottee, shall exhaust all remedies available to
8 the allottee under tribal law before initiating an
9 action against the United States or petitioning
10 the Secretary pursuant to subsection (d)(4)(B).

11 (3) ACTION BY SECRETARY.—

12 (A) IN GENERAL.—During the period be-
13 ginning on the date of enactment of this title
14 and ending on the date on which a tribal water
15 code described in paragraphs (1) and (2) is en-
16 acted, the Secretary shall administer, with re-
17 spect to the rights of allottees, the Tribal water
18 rights in accordance with this title.

19 (B) APPROVAL.—The tribal water code de-
20 scribed in paragraphs (1) and (2) shall not be
21 valid unless—

22 (i) the provisions of the tribal water
23 code required by paragraph (2) are ap-
24 proved by the Secretary; and

1 (ii) each amendment to the tribal
2 water code that affects a right of an allot-
3 tee is approved by the Secretary.

4 (C) APPROVAL PERIOD.—

5 (i) IN GENERAL.—The Secretary shall
6 approve or disapprove the tribal water code
7 or an amendment to the tribal water code
8 not later than 180 days after the date on
9 which the tribal water code or amendment
10 is submitted to the Secretary.

11 (ii) EXTENSION.—The deadline de-
12 scribed in clause (i) may be extended by
13 the Secretary after consultation with the
14 Tribe.

15 (g) ADMINISTRATION.—

16 (1) NO ALIENATION.—The Tribe shall not per-
17 manently alienate any portion of the Tribal water
18 rights.

19 (2) PURCHASES OR GRANTS OF LAND FROM IN-
20 DIANS.—An authorization provided by this title for
21 the allocation, distribution, leasing, or other ar-
22 rangement entered into pursuant to this title shall
23 be considered to satisfy any requirement for author-
24 ization of the action by treaty or convention imposed

1 by section 2116 of the Revised Statutes (25 U.S.C.
2 177).

3 (3) PROHIBITION ON FORFEITURE.—The non-
4 use of all or any portion of the Tribal water rights
5 by a lessee or contractor shall not result in the for-
6 feiture, abandonment, relinquishment, or other loss
7 of all or any portion of the Tribal water rights.

8 (h) EFFECT.—Except as otherwise expressly provided
9 in this section, nothing in this title—

10 (1) authorizes any action by an allottee against
11 any individual or entity, or against the Tribe, under
12 Federal, State, tribal, or local law; or

13 (2) alters or affects the status of any action
14 brought pursuant to section 1491(a) of title 28,
15 United States Code.

16 **SEC. 9016. BLACKFEET SETTLEMENT TRUST FUND.**

17 (a) ESTABLISHMENT.—There is established in the
18 Treasury of the United States a trust fund, to be known
19 as the “Blackfeet Settlement Trust Fund” (referred to in
20 this section as the “Trust Fund”), to be managed, in-
21 vested, and distributed by the Secretary and to remain
22 available until expended.

23 (b) ACCOUNTS.—The Secretary shall establish in the
24 Trust Fund the following accounts:

25 (1) The Administration and Energy Account.

1 (2) The OM&R Account.

2 (3) The St. Mary Account.

3 (4) The Blackfeet Water, Storage, and Develop-
4 ment Projects Account.

5 (c) DEPOSITS.—The Secretary shall deposit in the
6 Trust Fund—

7 (1) in the Administration and Energy Account,
8 the amount made available pursuant to section
9 9018(a)(1)(A);

10 (2) in the OM&R Account, the amount made
11 available pursuant to section 9018(a)(1)(B);

12 (3) in the St. Mary Account, the amount made
13 available pursuant to section 9018(a)(1)(C); and

14 (4) in the Blackfeet Water, Storage, and Devel-
15 opment Projects Account, the amount made avail-
16 able pursuant to section 9018(a)(1)(D).

17 (d) INTEREST.—In addition to the deposits under
18 subsection (c), any interest credited to amounts unex-
19 pended in the Trust Fund are authorized to be appro-
20 priated to be used in accordance with the uses described
21 in subsection (i).

22 (e) MANAGEMENT.—The Secretary shall manage, in-
23 vest, and distribute all amounts in the Trust Fund in a
24 manner that is consistent with the investment authority
25 of the Secretary under—

1 (1) the first section of the Act of June 24,
2 1938 (25 U.S.C. 162a);

3 (2) the American Indian Trust Fund Manage-
4 ment Reform Act of 1994 (25 U.S.C. 4001 et seq.);
5 and

6 (3) this section.

7 (f) AVAILABILITY OF AMOUNTS.—

8 (1) IN GENERAL.—Amounts appropriated to,
9 and deposited in, the Trust Fund, including any in-
10 vestment earnings, shall be made available to the
11 Tribe by the Secretary beginning on the enforce-
12 ability date.

13 (2) FUNDING FOR TRIBAL IMPLEMENTATION
14 ACTIVITIES.—Notwithstanding paragraph (1), on ap-
15 proval pursuant to this title and the Compact by a
16 referendum vote of a majority of votes cast by mem-
17 bers of the Tribe on the day of the vote, as certified
18 by the Secretary and the Tribe and subject to the
19 availability of appropriations, of the amounts in the
20 Administration and Energy Account, \$4,800,000
21 shall be made available to the Tribe for the imple-
22 mentation of this title.

23 (g) WITHDRAWALS UNDER AIFRMRA.—

24 (1) IN GENERAL.—The Tribe may withdraw
25 any portion of the funds in the Trust Fund on ap-

1 proval by the Secretary of a tribal management plan
2 submitted by the Tribe in accordance with the
3 American Indian Trust Fund Management Reform
4 Act of 1994 (25 U.S.C. 4001 et seq.).

5 (2) REQUIREMENTS.—

6 (A) IN GENERAL.—In addition to the re-
7 quirements under the American Indian Trust
8 Fund Management Reform Act of 1994 (25
9 U.S.C. 4001 et seq.), the tribal management
10 plan under paragraph (1) shall require that the
11 Tribe shall spend all amounts withdrawn from
12 the Trust Fund in accordance with this title.

13 (B) ENFORCEMENT.—The Secretary may
14 carry out such judicial and administrative ac-
15 tions as the Secretary determines to be nec-
16 essary to enforce the tribal management plan to
17 ensure that amounts withdrawn by the Tribe
18 from the Trust Fund under this subsection are
19 used in accordance with this title.

20 (h) WITHDRAWALS UNDER EXPENDITURE PLAN.—

21 (1) IN GENERAL.—The Tribe may submit to
22 the Secretary a request to withdraw funds from the
23 Trust Fund pursuant to an approved expenditure
24 plan.

1 (2) REQUIREMENTS.—To be eligible to with-
2 draw funds under an expenditure plan under para-
3 graph (1), the Tribe shall submit to the Secretary
4 for approval an expenditure plan for any portion of
5 the Trust Fund that the Tribe elects to withdraw
6 pursuant to this subsection, subject to the condition
7 that the funds shall be used for the purposes de-
8 scribed in this title.

9 (3) INCLUSIONS.—An expenditure plan under
10 this subsection shall include a description of the
11 manner and purpose for which the amounts pro-
12 posed to be withdrawn from the Trust Fund will be
13 used by the Tribe, in accordance with subsection (h).

14 (4) APPROVAL.—On receipt of an expenditure
15 plan under this subsection, the Secretary shall ap-
16 prove the plan, if the Secretary determines that the
17 plan—

18 (A) is reasonable; and

19 (B) is consistent with, and will be used for,
20 the purposes of this title.

21 (5) ENFORCEMENT.—The Secretary may carry
22 out such judicial and administrative actions as the
23 Secretary determines to be necessary to enforce an
24 expenditure plan to ensure that amounts disbursed

1 under this subsection are used in accordance with
2 this title.

3 (i) USES.—Amounts from the Trust Fund shall be
4 used by the Tribe for the following purposes:

5 (1) The Administration and Energy Account
6 shall be used for administration of the Tribal water
7 rights and energy development projects under this
8 title and the Compact.

9 (2) The OM&R Account shall be used to assist
10 the Tribe in paying OM&R costs.

11 (3) The St. Mary Account shall be distributed
12 pursuant to an expenditure plan approved under
13 subsection (g), subject to the conditions that—

14 (A) during the period for which the
15 amount is available and held by the Secretary,
16 \$500,000 shall be distributed to the Tribe an-
17 nually as compensation for the deferral of the
18 St. Mary water right; and

19 (B) any additional amounts deposited in
20 the account may be withdrawn and used by the
21 Tribe to pay OM&R costs or other expenses for
22 1 or more projects to benefit the Tribe, as ap-
23 proved by the Secretary, subject to the require-
24 ment that the Secretary shall not approve an
25 expenditure plan under this paragraph unless

1 the Tribe provides a resolution of the tribal
2 council—

3 (i) approving the withdrawal of the
4 funds from the account; and

5 (ii) acknowledging that the Secretary
6 will not be able to distribute funds under
7 subparagraph (A) indefinitely if the prin-
8 cipal funds in the account are reduced.

9 (4) The Blackfeet Water, Storage, and Develop-
10 ment Projects Account shall be used to carry out
11 section 9013.

12 (j) LIABILITY.—The Secretary and the Secretary of
13 the Treasury shall not be liable for the expenditure or in-
14 vestment of any amounts withdrawn from the Trust Fund
15 by the Tribe under subsection (f) or (g).

16 (k) NO PER CAPITA DISTRIBUTIONS.—No portion of
17 the Trust Fund shall be distributed on a per capita basis
18 to any member of the Tribe.

19 (l) DEPOSIT OF FUNDS.—On request by the Tribe,
20 the Secretary may deposit amounts from an account de-
21 scribed in paragraph (1), (2), or (4) of subsection (b) to
22 any other account the Secretary determines to be appro-
23 priate.

1 **SEC. 9017. BLACKFEET WATER SETTLEMENT IMPLEMENTA-**
 2 **TION FUND.**

3 (a) ESTABLISHMENT.—There is established in the
 4 Treasury of the United States a nontrust, interest-bearing
 5 account, to be known as the “Blackfeet Water Settlement
 6 Implementation Fund” (referred to in this section as the
 7 “Implementation Fund”), to be managed and distributed
 8 by the Secretary, for use by the Secretary for carrying
 9 out this title.

10 (b) ACCOUNTS.—The Secretary shall establish in the
 11 Implementation Fund the following accounts:

12 (1) The MR&I System, Irrigation, and Water
 13 Storage Account.

14 (2) The Blackfeet Irrigation Project Deferred
 15 Maintenance and Four Horns Dam Safety Improve-
 16 ments Account.

17 (3) The St. Mary/Milk Water Management and
 18 Activities Fund.

19 (c) DEPOSITS.—The Secretary shall deposit in the
 20 Implementation Fund—

21 (1) in the MR&I System, Irrigation, and Water
 22 Storage Account, the amount made available pursu-
 23 ant to section 9018(a)(2)(A);

24 (2) in the Blackfeet Irrigation Project Deferred
 25 Maintenance and Four Horns Dam Safety Improve-

1 ments Account, the amount made available pursuant
2 to section 9018(a)(2)(B); and

3 (3) in the St. Mary/Milk Water Management
4 and Activities Fund, the amount made available pur-
5 suant to section 9018(a)(2)(C).

6 (d) INTEREST.—In addition to the deposits under
7 subsection (c), any interest credited to amounts unex-
8 pected in the Implementation Fund are authorized to be
9 appropriated to be used in accordance with the uses de-
10 scribed in subsection (e).

11 (e) USES.—

12 (1) MR&I SYSTEM, IRRIGATION, AND WATER
13 STORAGE ACCOUNT.—The MR&I System, Irrigation,
14 and Water Storage Account shall be used to carry
15 out sections 9011 and 9012.

16 (2) BLACKFEET IRRIGATION PROJECT DE-
17 FERRED MAINTENANCE AND FOUR HORNS DAM
18 SAFETY IMPROVEMENTS ACCOUNT.—The Blackfeet
19 Irrigation Project Deferred Maintenance and Four
20 Horns Dam Safety Improvements Account shall be
21 used to carry out section 9010.

22 (3) ST. MARY/MILK WATER MANAGEMENT AND
23 ACTIVITIES ACCOUNT.—The St. Mary/Milk Water
24 Management and Activities Account shall be used to
25 carry out sections 9005 and 9007.

1 (f) MANAGEMENT.—Amounts in the Implementation
 2 Fund shall not be available to the Secretary for expendi-
 3 ture until the enforceability date.

4 **SEC. 9018. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—Subject to subsection (b), there
 6 are authorized to be appropriated to the Secretary—

7 (1) as adjusted on appropriation to reflect
 8 changes since April 2010 in the Consumer Price
 9 Index for All Urban Consumers West Urban 50,000
 10 to 1,500,000 index for the amount appropriated—

11 (A) for deposit in the Administration and
 12 Energy Account of the Blackfeet Settlement
 13 Trust Fund established under section
 14 9016(b)(1), \$28,900,000;

15 (B) for deposit in the OM&R Account of
 16 the Blackfeet Settlement Trust Fund estab-
 17 lished under section 9016(b)(2), \$27,760,000;

18 (C) for deposit in the St. Mary Account of
 19 the Blackfeet Settlement Trust Fund estab-
 20 lished under section 9016(b)(3), \$27,800,000;

21 (D) for deposit in the Blackfeet Water,
 22 Storage, and Development Projects Account of
 23 the Blackfeet Settlement Trust Fund estab-
 24 lished under section 9016(b)(4), \$91,000,000;
 25 and

1 (E) such sums not to exceed the amount of
2 interest credited to the unexpended amounts of
3 the Blackfeet Settlement Trust Fund; and

4 (2) as adjusted annually to reflect changes
5 since April 2010 in the Bureau of Reclamation Con-
6 struction Cost Trends Index applicable to the types
7 of construction involved—

8 (A) for deposit in the MR&I System, Irri-
9 gation, and Water Storage Account of the
10 Blackfeet Water Settlement Implementation
11 Fund established under section 9017(b)(1),
12 \$163,500,000;

13 (B) for deposit in the Blackfeet Irrigation
14 Project Deferred Maintenance, Four Horns
15 Dam Safety, and Rehabilitation and Enhance-
16 ment of the Four Horns Feeder Canal, Dam,
17 and Reservoir Improvements Account of the
18 Blackfeet Water Settlement Implementation
19 Fund established under section 9017(b)(2),
20 \$54,900,000, of which—

21 (i) \$40,900,000 shall be made avail-
22 able for activities and projects under sec-
23 tion 9010(c); and

1 (ii) \$14,000,000 shall be made avail-
2 able for activities and projects under sec-
3 tion 9010(d)(2);

4 (C) for deposit in the St. Mary/Milk Water
5 Management and Activities Account of the
6 Blackfeet Water Settlement Implementation
7 Fund established under section 9017(b)(3),
8 \$28,100,000, of which—

9 (i) \$27,600,000 shall be allocated in
10 accordance with section 9007(g); and

11 (ii) \$500,000 shall be used to carry
12 out section 9005; and

13 (D) such sums not to exceed the amount
14 of interest credited to the unexpended amounts
15 of the Blackfeet Water Settlement Implementa-
16 tion Fund.

17 (b) ADJUSTMENTS.—

18 (1) IN GENERAL.—The adjustment of the
19 amounts authorized to be appropriated pursuant to
20 subsection (a)(1) shall occur each time an amount is
21 appropriated for an account and shall add to, or
22 subtract from, as applicable, the total amount au-
23 thorized.

24 (2) REPETITION.—The adjustment process
25 under this subsection shall be repeated for each sub-

1 sequent amount appropriated until the amount au-
 2 thorized, as adjusted, has been appropriated.

3 (3) TREATMENT.—The amount of an adjust-
 4 ment may be considered—

5 (A) to be authorized as of the date on
 6 which congressional action occurs; and

7 (B) in determining the amount authorized
 8 to be appropriated.

9 **SEC. 9019. WATER RIGHTS IN LEWIS AND CLARK NATIONAL**
 10 **FOREST AND GLACIER NATIONAL PARK.**

11 The instream flow water rights of the Tribe on land
 12 within the Lewis and Clark National Forest and Glacier
 13 National Park—

14 (1) are confirmed; and

15 (2) shall be as described in the document enti-
 16 tled “Stipulation to Address Claims by and for the
 17 Benefit of the Blackfeet Indian Tribe to Water
 18 Rights in the Lewis & Clark National Forest and
 19 Glacier National Park”, and as finally decreed by
 20 the Montana Water Court, or, if the Montana Water
 21 Court is found to lack jurisdiction, by the United
 22 States district court with jurisdiction.

23 **SEC. 9020. WAIVERS AND RELEASES OF CLAIMS.**

24 (a) IN GENERAL.—

1 (1) WAIVER AND RELEASE OF CLAIMS BY
2 TRIBE AND UNITED STATES AS TRUSTEE FOR
3 TRIBE.—Subject to the reservation of rights and re-
4 tention of claims under subsection (d), as consider-
5 ation for recognition of the Tribal water rights and
6 other benefits as described in the Compact and this
7 title, the Tribe, acting on behalf of the Tribe and
8 members of the Tribe (but not any member of the
9 Tribe as an allottee), and the United States, acting
10 as trustee for the Tribe and the members of the
11 Tribe (but not any member of the Tribe as an allot-
12 tee), shall execute a waiver and release of all claims
13 for water rights within the State that the Tribe, or
14 the United States acting as trustee for the Tribe, as-
15 serted or could have asserted in any proceeding, in-
16 cluding a State stream adjudication, on or before the
17 enforceability date, except to the extent that such
18 rights are recognized in the Compact and this title.

19 (2) WAIVER AND RELEASE OF CLAIMS BY
20 UNITED STATES AS TRUSTEE FOR ALLOTTEES.—
21 Subject to the reservation of rights and the retention
22 of claims under subsection (d), as consideration for
23 recognition of the Tribal water rights and other ben-
24 efits as described in the Compact and this title, the
25 United States, acting as trustee for allottees, shall

1 execute a waiver and release of all claims for water
2 rights within the Reservation that the United States,
3 acting as trustee for the allottees, asserted or could
4 have asserted in any proceeding, including a State
5 stream adjudication, on or before the enforceability
6 date, except to the extent that such rights are recog-
7 nized in the Compact and this title.

8 (3) WAIVER AND RELEASE OF CLAIMS BY
9 TRIBE AGAINST UNITED STATES.—Subject to the
10 reservation of rights and retention of claims under
11 subsection (d), the Tribe, acting on behalf of the
12 Tribe and members of the Tribe (but not any mem-
13 ber of the Tribe as an allottee), shall execute a waiv-
14 er and release of all claims against the United
15 States (including any agency or employee of the
16 United States)—

17 (A) relating to—

18 (i) water rights within the State that
19 the United States, acting as trustee for the
20 Tribe, asserted or could have asserted in
21 any proceeding, including a stream adju-
22 dication in the State, except to the extent
23 that such rights are recognized as Tribal
24 water rights under this title;

1 (ii) damage, loss, or injury to water,
2 water rights, land, or natural resources
3 due to loss of water or water rights (in-
4 cluding damages, losses, or injuries to
5 hunting, fishing, gathering, or cultural
6 rights due to loss of water or water rights,
7 claims relating to interference with, diver-
8 sion, or taking of water, or claims relating
9 to failure to protect, acquire, replace, or
10 develop water, water rights, or water infra-
11 structure) within the State that first ac-
12 crued at any time on or before the enforce-
13 ability date;

14 (iii) a failure to establish or provide a
15 municipal rural or industrial water delivery
16 system on the Reservation;

17 (iv) a failure to provide for operation
18 or maintenance, or deferred maintenance,
19 for the Blackfeet Irrigation Project or any
20 other irrigation system or irrigation project
21 on the Reservation;

22 (v) the litigation of claims relating to
23 the water rights of the Tribe in the State;
24 and

(vi) the negotiation, execution, or adoption of the Compact (including exhibits) or this title;

(B) reserved in subsections (b) through (d) of section 6 of the settlement for the case styled *Blackfeet Tribe v. United States*, No. 02–127L (Fed. Cl. 2012); and

(C) that first accrued at any time on or before the enforceability date—

(i) arising from the taking or acquisition of the land of the Tribe or resources for the construction of the features of the St. Mary Unit of the Milk River Project;

(ii) relating to the construction, operation, and maintenance of the St. Mary Unit of the Milk River Project, including Sherburne Dam, St. Mary Diversion Dam, St. Mary Canal and associated infrastructure, and the management of flows in Swiftcurrent Creek, including the diversion of Swiftcurrent Creek into Lower St. Mary Lake;

(iii) relating to the construction, operation, and management of Lower Two Medicine Dam and Reservoir and Four

1 Horns Dam and Reservoir, including any
2 claim relating to the failure to provide dam
3 safety improvements for Four Horns Res-
4 ervoir; or

5 (iv) relating to the allocation of wa-
6 ters of the Milk River and St. Mary River
7 (including tributaries) between the United
8 States and Canada pursuant to the Inter-
9 national Boundary Waters Treaty of 1909
10 (36 Stat. 2448).

11 (b) EFFECTIVENESS.—The waivers and releases
12 under subsection (a) shall take effect on the enforceability
13 date.

14 (c) WITHDRAWAL OF OBJECTIONS.—The Tribe shall
15 withdraw all objections to the water rights claims filed by
16 the United States for the benefit of the Milk River Project,
17 except objections to those claims consolidated for adjudica-
18 tion within Basin 40J, within 14 days of the certification
19 under subsection (f)(5) that the Tribal membership has
20 approved the Compact and this title.

21 (1) Prior to withdrawal of the objections, the
22 Tribe may seek leave of the Montana Water Court
23 for a right to reinstate the objections in the event
24 the conditions of enforceability in paragraphs (1)
25 through (8) of subsection (f) are not satisfied by the

1 date of expiration described in section 9023 of this
2 title.

3 (2) If the conditions of enforceability in para-
4 graphs (1) through (8) of subsection (f) are satis-
5 fied, and any authority the Montana Water Court
6 may have granted the Tribe to reinstate objections
7 described in this section has not yet expired, the
8 Tribe shall notify the Montana Water Court and the
9 United States in writing that it will not exercise any
10 such authority.

11 (d) RESERVATION OF RIGHTS AND RETENTION OF
12 CLAIMS.—Notwithstanding the waivers and releases under
13 subsection (a), the Tribe, acting on behalf of the Tribe
14 and members of the Tribe, and the United States, acting
15 as trustee for the Tribe and allottees, shall retain—

16 (1) all claims relating to—

17 (A) enforcement of, or claims accruing
18 after the enforceability date relating to water
19 rights recognized under, the Compact, any final
20 decree, or this title;

21 (B) activities affecting the quality of
22 water, including any claim under—

23 (i) the Comprehensive Environmental
24 Response, Compensation, and Liability Act

1 of 1980 (42 U.S.C. 9601 et seq.), includ-
2 ing damages to natural resources;

3 (ii) the Safe Drinking Water Act (42
4 U.S.C. 300f et seq.);

5 (iii) the Federal Water Pollution Con-
6 trol Act (33 U.S.C. 1251 et seq.) (com-
7 monly referred to as the “Clean Water
8 Act”); and

9 (iv) any regulations implementing the
10 Acts described in clauses (i) through (iii);
11 or

12 (C) damage, loss, or injury to land or nat-
13 ural resources that are not due to loss of water
14 or water rights (including hunting, fishing,
15 gathering, or cultural rights);

16 (2) all rights to use and protect water rights ac-
17 quired after the date of enactment of this title; and

18 (3) all rights, remedies, privileges, immunities,
19 and powers not specifically waived and released pur-
20 suant to this title or the Compact.

21 (e) EFFECT OF COMPACT AND ACT.—Nothing in the
22 Compact or this title—

23 (1) affects the ability of the United States, act-
24 ing as a sovereign, to take any action authorized by

1 law (including any law relating to health, safety, or
2 the environment), including—

3 (A) the Comprehensive Environmental Re-
4 sponse, Compensation, and Liability Act of
5 1980 (42 U.S.C. 9601 et seq.);

6 (B) the Safe Drinking Water Act (42
7 U.S.C. 300f et seq.);

8 (C) the Federal Water Pollution Control
9 Act (33 U.S.C. 1251 et seq.) (commonly re-
10 ferred to as the “Clean Water Act”); and

11 (D) any regulations implementing the Acts
12 described in subparagraphs (A) through (C);

13 (2) affects the ability of the United States to
14 act as trustee for any other Indian tribe or allottee
15 of any other Indian tribe;

16 (3) confers jurisdiction on any State court—

17 (A) to interpret Federal law regarding
18 health, safety, or the environment;

19 (B) to determine the duties of the United
20 States or any other party pursuant to a Federal
21 law regarding health, safety, or the environ-
22 ment; or

23 (C) to conduct judicial review of a Federal
24 agency action;

1 (4) waives any claim of a member of the Tribe
2 in an individual capacity that does not derive from
3 a right of the Tribe;

4 (5) revives any claim waived by the Tribe in the
5 case styled Blackfeet Tribe v. United States, No.
6 02–127L (Fed. Cl. 2012); or

7 (6) revives any claim released by an allottee or
8 a tribal member in the settlement for the case styled
9 Cobell v. Salazar, No. 1:96CV01285–JR (D.D.C.
10 2012).

11 (f) ENFORCEABILITY DATE.—The enforceability date
12 shall be the date on which the Secretary publishes in the
13 Federal Register a statement of findings that—

14 (1)(A) the Montana Water Court has approved
15 the Compact, and that decision has become final and
16 nonappealable; or

17 (B) if the Montana Water Court is found to
18 lack jurisdiction, the appropriate United States dis-
19 trict court has approved the Compact, and that deci-
20 sion has become final and nonappealable;

21 (2) all amounts authorized under section
22 9018(a) have been appropriated;

23 (3) the agreements required by sections
24 9006(c), 9007(f), and 9009(c) have been executed;

1 (4) the State has appropriated and paid into an
2 interest-bearing escrow account any payments due
3 as of the date of enactment of this title to the Tribe
4 under the Compact, the Birch Creek Agreement, and
5 this title;

6 (5) the members of the Tribe have voted to ap-
7 prove this title and the Compact by a majority of
8 votes cast on the day of the vote, as certified by the
9 Secretary and the Tribe;

10 (6) the Secretary has fulfilled the requirements
11 of section 9009(a);

12 (7) the agreement or terms and conditions re-
13 ferred to in section 9005 are executed and final; and

14 (8) the waivers and releases described in sub-
15 section (a) have been executed by the Tribe and the
16 Secretary.

17 (g) TOLLING OF CLAIMS.—

18 (1) IN GENERAL.—Each applicable period of
19 limitation and time-based equitable defense relating
20 to a claim described in this section shall be tolled
21 during the period beginning on the date of enact-
22 ment of this title and ending on the date on which
23 the amounts made available to carry out this title
24 are transferred to the Secretary.

1 (2) EFFECT OF SUBSECTION.—Nothing in this
2 subsection revives any claim or tolls any period of
3 limitation or time-based equitable defense that ex-
4 pired before the date of enactment of this title.

5 (h) EXPIRATION.—If all appropriations authorized by
6 this title have not been made available to the Secretary
7 by January 21, 2026, the waivers and releases described
8 in this section shall—

9 (1) expire; and

10 (2) have no further force or effect.

11 (i) VOIDING OF WAIVERS.—If the waivers and re-
12 leases described in this section are void under subsection
13 (h)—

14 (1) the approval of the United States of the
15 Compact under section 9004 shall no longer be ef-
16 fective;

17 (2) any unexpended Federal funds appropriated
18 or made available to carry out the activities author-
19 ized by this title, together with any interest earned
20 on those funds, and any water rights or contracts to
21 use water and title to other property acquired or
22 constructed with Federal funds appropriated or
23 made available to carry out the activities authorized
24 under this title shall be returned to the Federal Gov-
25 ernment, unless otherwise agreed to by the Tribe

1 and the United States and approved by Congress;
2 and

3 (3) except for Federal funds used to acquire or
4 develop property that is returned to the Federal
5 Government under paragraph (2), the United States
6 shall be entitled to offset any Federal funds appro-
7 priated or made available to carry out the activities
8 authorized under this title that were expended or
9 withdrawn, together with any interest accrued,
10 against any claims against the United States relat-
11 ing to water rights in the State asserted by the
12 Tribe or any user of the Tribal water rights or in
13 any future settlement of the water rights of the
14 Tribe or an allottee.

15 **SEC. 9021. SATISFACTION OF CLAIMS.**

16 (a) TRIBAL CLAIMS.—The benefits realized by the
17 Tribe under this title shall be in complete replacement of,
18 complete substitution for, and full satisfaction of all—

19 (1) claims of the Tribe against the United
20 States waived and released pursuant to section
21 9020(a); and

22 (2) objections withdrawn pursuant to section
23 9020(c).

1 (b) ALLOTTEE CLAIMS.—The benefits realized by the
2 allottees under this title shall be in complete replacement
3 of, complete substitution for, and full satisfaction of—

4 (1) all claims waived and released pursuant to
5 section 9020(a)(2); and

6 (2) any claim of an allottee against the United
7 States similar in nature to a claim described in sec-
8 tion 9020(a)(2) that the allottee asserted or could
9 have asserted.

10 **SEC. 9022. MISCELLANEOUS PROVISIONS.**

11 (a) WAIVER OF SOVEREIGN IMMUNITY.—Except as
12 provided in subsections (a) through (c) of section 208 of
13 the Department of Justice Appropriation Act, 1953 (43
14 U.S.C. 666), nothing in this title waives the sovereign im-
15 munity of the United States.

16 (b) OTHER TRIBES NOT ADVERSELY AFFECTED.—
17 Nothing in this title quantifies or diminishes any land or
18 water right, or any claim or entitlement to land or water,
19 of an Indian tribe, band, or community other than the
20 Tribe.

21 (c) LIMITATION ON CLAIMS FOR REIMBURSEMENT.—
22 With respect to any Indian-owned land located within the
23 Reservation—

24 (1) the United States shall not submit against
25 that land any claim for reimbursement of the cost

1 to the United States of carrying out this title or the
2 Compact; and

3 (2) no assessment of that land shall be made
4 regarding that cost.

5 (d) LIMITATION ON LIABILITY OF UNITED
6 STATES.—

7 (1) IN GENERAL.—The United States has no
8 obligation—

9 (A) to monitor, administer, or account for,
10 in any manner, any funds provided to the Tribe
11 by the State; or

12 (B) to review or approve any expenditure
13 of those funds.

14 (2) INDEMNITY.—The Tribe shall indemnify the
15 United States, and hold the United States harmless,
16 with respect to all claims (including claims for
17 takings or breach of trust) arising from the receipt
18 or expenditure of amounts described in the sub-
19 section.

20 (e) EFFECT ON CURRENT LAW.—Nothing in this sec-
21 tion affects any provision of law (including regulations)
22 in effect on the day before the date of enactment of this
23 title with respect to preenforcement review of any Federal
24 environmental enforcement action.

1 (f) EFFECT ON RECLAMATION LAWS.—The activities
2 carried out by the Commissioner of Reclamation under
3 this title shall not establish a precedent or impact the au-
4 thority provided under any other provision of the reclama-
5 tion laws, including—

6 (1) the Reclamation Rural Water Supply Act of
7 2006 (43 U.S.C. 2401 et seq.); and

8 (2) the Omnibus Public Land Management Act
9 of 2009 (Public Law 111–11; 123 Stat. 991).

10 (g) IRRIGATION EFFICIENCY IN UPPER BIRCH
11 CREEK DRAINAGE.—Any activity carried out by the Tribe
12 in the Upper Birch Creek Drainage (as defined in article
13 II.50 of the Compact) using funds made available to carry
14 out this title shall achieve an irrigation efficiency of not
15 less than 50 percent.

16 (h) BIRCH CREEK AGREEMENT APPROVAL.—The
17 Birch Creek Agreement is approved to the extent that the
18 Birch Creek Agreement requires approval under section
19 2116 of the Revised Statutes (25 U.S.C. 177).

20 (i) LIMITATION ON EFFECT.—Nothing in this title or
21 the Compact—

22 (1) makes an allocation or apportionment of
23 water between or among States; or

24 (2) addresses or implies whether, how, or to
25 what extent the Tribal water rights, or any portion

1 of the Tribal water rights, should be accounted for
2 as part of, or otherwise charged against, an alloca-
3 tion or apportionment of water made to a State in
4 an interstate allocation or apportionment.

5 **SEC. 9023. EXPIRATION ON FAILURE TO MEET ENFORCE-**
6 **ABILITY DATE.**

7 If the Secretary fails to publish a statement of find-
8 ings under section 9020(f) by not later than January 21,
9 2025, or such alternative later date as is agreed to by the
10 Tribe and the Secretary, after reasonable notice to the
11 State, as applicable—

12 (1) this title expires effective on the later of—

13 (A) January 22, 2025; and

14 (B) the day after such alternative later
15 date as is agreed to by the Tribe and the Sec-
16 retary;

17 (2) any action taken by the Secretary and any
18 contract or agreement entered into pursuant to this
19 title shall be void;

20 (3) any amounts made available under section
21 9018, together with any interest on those amounts,
22 that remain unexpended shall immediately revert to
23 the general fund of the Treasury, except for any
24 funds made available under section 9016(e)(2) if the

1 Montana Water Court denies the Tribe's request to
2 reinstate the objections in section 9020(c); and

3 (4) the United States shall be entitled to offset
4 against any claims asserted by the Tribe against the
5 United States relating to water rights—

6 (A) any funds expended or withdrawn from
7 the amounts made available pursuant to this
8 title; and

9 (B) any funds made available to carry out
10 the activities authorized by this title from other
11 authorized sources, except for any funds pro-
12 vided under section 9016(e)(2) if the Montana
13 Water court denies the Tribe's request to rein-
14 state the objections in section 9020(c).

15 **SEC. 9024. ANTIDEFICIENCY.**

16 The United States shall not be liable for any failure
17 to carry out any obligation or activity authorized by this
18 title (including any obligation or activity under the Com-
19 pact) if—

20 (1) adequate appropriations are not provided
21 expressly by Congress to carry out the purposes of
22 this title; or

23 (2) there are not enough monies available to
24 carry out the purposes of this title in the Reclama-
25 tion Water Settlements Fund established under sec-

1 tion 10501(a) of the Omnibus Public Land Manage-
2 ment Act of 2009 (43 U.S.C. 407(a)).

Passed the Senate September 15, 2016.

Attest:

Secretary.

114TH CONGRESS
2D Session
S. 2848

AN ACT

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.